



# **AGENDA**

## **District Licensing Committee Meeting Friday, 11 July 2025**

**Date:** Friday, 11 July 2025

**Time:** 10:00 am

**Location:** Ngā Hau e Whā, William Fraser Building, 1  
Dunorling Street, Alexandra

(A link to the live stream will be available on the Central Otago District Council's website.)



Notice is hereby given that a District Licensing Committee Meeting will be held in Ngā Hau e Whā, William Fraser Building, 1 Dunorling Street, Alexandra and live streamed via Microsoft Teams on Friday, 11 July 2025 at 10:00 am. The link to the live stream will be available on the Central Otago District Council's website.

## Order Of Business

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**Members** Mr J Mann (Chairperson), Mr L Cocks, Mr R Anderson

**In Attendance**

**1 WELCOME AND INTRODUCTION**

## **2 DECLARATIONS OF INTEREST**

### **25.1.1 DECLARATIONS OF INTEREST**

**DOC ID: 2509241**

#### **1. PURPOSE**

MEMBERS ARE REMINDED OF THE NEED TO BE VIGILANT TO STAND ASIDE FROM DECISION MAKING WHEN A CONFLICT ARISES BETWEEN THEIR ROLE AS A MEMBER AND ANY PRIVATE OR OTHER EXTERNAL INTEREST THEY MIGHT HAVE.

#### **2. ATTACHMENTS**

**NIL**

### **3 APPLICATION**

#### **25.1.2 BLOSSOM FESTIVAL SPECIAL LICENCE**

**DOC ID: 2507788**

REPORT AUTHOR:	ANGIE SYMON, REGULATORY SUPPORT - ENVIRONMENTAL HEALTH
REVIEWED AND AUTHORISED BY:	LEE WEBSTER, REGULATORY MANAGER

## **CENTRAL OTAGO DISTRICT COUNCIL DISTRICT LICENSING COMMITTEE**

SALE AND SUPPLY OF ALCOHOL ACT 2012

HEARING TO APPEAL DECLINED SPECIAL LICENCE SP25039  
ALEXANDRA BLOSSOM FESTIVAL 2025

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**NOTICE** IS HEREBY GIVEN THAT A MEETING OF THE CENTRAL OTAGO DISTRICT LICENSING COMMITTEE WILL BE HELD AT THE CENTRAL OTAGO DISTRICT COUNCIL, NGĀ HAU E WHĀ, ALEXANDRA SERVICE CENTRE, ON FRIDAY 11<sup>TH</sup> JULY 2025, COMMENCING AT 10.00 AM.

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#### **DISTRICT LICENSING COMMITTEE MEMBERS**

**CHAIRPERSON: JOHN MANN**

**MEMBERS: LYAL COCKS**

**RUSSELL ANDERSON**

## **AGENDA**

### **1. WELCOME AND INTRODUCTIONS**

### **2. DECLARATION OF CONFLICT OF INTEREST**

MEMBERS OF THE COMMITTEE TO CONFIRM THEY DO NOT HAVE A CONFLICT OF INTEREST IN RELATION TO THE APPLICATION.

### **3. OVERVIEW OF THE PROCEEDINGS**

THE CHAIR WILL OUTLINE THE PROCESS FOR THE HEARING OF EVIDENCE FROM PARTIES

**APPLICATION DESCRIPTION**

**APPLICANT'S NAME:**        **ALEXANDRA    BLOSSOM    FESTIVAL    COMMITTEE  
INCORPORATED**

**EVENT TITLE:**                **ALEXANDRA BLOSSOM FESTIVAL 2025**

**LOCATION:**                        **PIONEER PARK, ALEXANDRA**

**LICENCE TYPE:**                **SPECIAL LICENCE**

**LICENCE NUMBER:**        **SP25039**

**RECEIVED BY COUNCIL:**        **20 MARCH 2025**

**DATE OF EVENT:**                **SATURDAY 27<sup>TH</sup> NOVEMBER 2025**

**LICENCED HOURS SOUGHT**        **11.00 AM TO 5.30 PM**

**ATTACHMENTS**

- APPENDIX 1 - APPLICANT ACCOMPANYING LETTER.PDF** [↓](#)
- APPENDIX 2 - APPLICATION.PDF** [↓](#)
- APPENDIX 3 - POLICE REPORT NO OPPOSITION.PDF** [↓](#)
- APPENDIX 4 - MOH REPORT NO OPPOSITION.PDF** [↓](#)
- APPENDIX 5 - INSPECTOR REPORT NO OPPOSITION.PDF** [↓](#)
- APPENDIX 6 - DLC DECISION DECLINED.PDF** [↓](#)
- APPENDIX 7 - APPLICANT REQUEST FOR DLC HEARING.PDF** [↓](#)
- APPENDIX 8 - POLICE SUBMISSION.PDF** [↓](#)
- APPENDIX 9 - CHIEF LICENSING INSPECTOR REPORT.PDF** [↓](#)
- APPENDIX 10 - AARON WHIPP MOOH DELEGATE SUBMISSION.PDF** [↓](#)
- APPENDIX 11 - BRIEF OF EVIDENCE - ALANNAH SMYTH - ALEXANDRA BLOSSOM FESTIVAL.PDF** [↓](#)
- APPENDIX 12 - STEPHANIE BEKHUIS-PAY ALEXANDRA BLOSSOM FESTIVAL WITNESS STATEMENT\_.PDF** [↓](#)
- APPENDIX 13 - BLOSSOM FESTIVAL SUBMISSIONS** [↓](#)
- APPENDIX 14 - EVIDENCE OF MARTIN MCPHERSON** [↓](#)
- APPENDIX 15 - EVIDENCE OF JAMIE HUGHES** [↓](#)

## **SUMMARY**

### **EVENT BACKGROUND & APPLICATION**

THE ALEXANDRA BLOSSOM FESTIVAL (ABF) IS NZ'S LONGEST-RUNNING SPRING FESTIVAL, OPERATING SINCE 1957.

THE ORGANISER HAS 40+ YEARS OF EXPERIENCE AND SUBMITTED A DETAILED ALCOHOL MANAGEMENT PLAN.

FOOD, SOFT DRINKS, AND LICENSED ALCOHOL VENDORS WILL BE PRESENT, WITH 12 PROFESSIONAL SECURITY STAFF ENGAGED.

ABF SEEKS A SINGLE, OVERARCHING SPECIAL LICENCE FOR THE ENTIRE EVENT, COVERING ALL VENDORS.

### **LEGAL & LICENSING CONTEXT**

UNDER SECTION 22(2) OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012, AMENDED IN 2016, REQUIRES SPECIAL LICENCE HOLDERS TO SELL AND SUPPLY ALCOHOL DIRECTLY.

ABF IS NOT DIRECTLY SELLING ALCOHOL – VENDORS DO – SO THE APPLICATION MAY NOT MEET THIS LEGAL THRESHOLD.

PREVIOUS LEGAL PRECEDENT (CLYDE WINE & FOOD FESTIVAL, OLD CROMWELL FESTIVAL) REQUIRED INDIVIDUAL LICENCES FOR EACH VENDOR UNLESS THE ORGANISER SOLD ALCOHOL DIRECTLY.

A 2023 DECISION (SP23150) HIGHLIGHTED SIMILAR CONCERNS, BUT WAS APPROVED DUE TO TIME CONSTRAINTS, NOT ON PRINCIPLE.

### **INSPECTOR CONCERNS**

ABF 2024 USED INDIVIDUAL VENDOR LICENCES, WITH NO OVERARCHING ORGANISER LICENCE.

ABF STATED IN THEIR LETTER THAT THEY LACKED OVERSIGHT OF VENDORS, WERE UNAWARE OF THEIR LICENCE CONDITIONS, AND THAT LICENCES WEREN'T DISPLAYED.

THE INSPECTOR NOTES THIS LACK OF CONTROL IS NOT ACCEPTABLE AND CONTRADICTS THE ORGANISER'S MANAGEMENT RESPONSIBILITY.

### **STATUTORY CRITERIA AND INTERPRETATION**

THE CHANGE FROM "SELL OR SUPPLY" TO "SELL AND SUPPLY" IN 2016 CLARIFIED THAT ORGANISERS MUST DIRECTLY HANDLE ALCOHOL TRANSACTIONS.

ENTRY TICKETS OR A PROFIT FROM SITE ACCESS DO NOT SATISFY THE LEGAL REQUIREMENT OF SALE AND SUPPLY UNDER THE ACT.

WESTLAW COMMENTARY SUPPORTS THIS STRICT INTERPRETATION, TO PREVENT WORKAROUND MODELS AND BYO SCENARIOS.

## Letter of Application for Over-Archiving On-Site Special Licence

Alexandra Blossom Festival Contact Saturday in the Park 2025 event

To Whom It May Concern,

**Background**

The Alexandra Blossom Festival Committee Inc. is applying for an over-arching on-site special licence for the Contact Saturday in the Park 2025 event. Until 2024, this was the standard practice, allowing us to maintain control over the sale and supply of alcohol at this highly popular public event. However, in 2024, we were informed that we could not apply for a licence, and instead, individual vendors were required to obtain their own on-site special licences.

As a result of this change, we had no knowledge of the conditions attached to each vendor's licence, nor any oversight of their compliance. We were unaware of whether each licence designated a licensed area or where those areas were located. Additionally, we had no input in determining age-restricted areas, making it unclear whether such zones were in place.

In 2024, one vendor advertised on Facebook that they were selling vodka "jelly shots" at the event—an activity we would never approve of. Police officers in attendance were unaware of the vendor's licence conditions, and the licensee themselves had no clear understanding of their obligations. A copy of the licence was not displayed for reference, and enforcement agencies did not intervene. The sale of jelly shots was only halted when we informed the licensee they could be removed from the event if they did not comply. This situation was unsatisfactory for both the organisers and the licensee.

By having a single licensee for the event, we can ensure:

- Compliance with all licence conditions,
- Oversight by a single duty manager,
- The ability to monitor vendor adherence to regulations,
- Authority to suspend non-compliant vendors if necessary,
- A single point of contact for enforcement agencies, ensuring clear accountability.

We have not received any information regarding the 2024 licences so to this day are unaware of the conditions and licensed areas. However, if all were on-site special licences, each should have had a designated licensed area. If such areas were not clearly defined and particular to the individual licence, this would constitute a breach of Section 25 of the Act. Furthermore, if each licence did have its own defined licensed area, patrons were permitted to take alcohol into the seating and grassed areas in front of the main stage. This means individual vendors will have breached their licence conditions. Enforcement agencies did not actively monitor this. However if they did, it would have been difficult to identify the responsible licensee or duty manager to hold accountable for any breaches.

The Alexandra Blossom Festival Committee Inc. does not permit vendors at this event to hold an off-site special licence.



We are still unclear as to why control over alcohol sales at our own event was removed, which is why we are submitting this application.

**Legislative Compliance**

We believe we are eligible for a licence under:

Section 28(1)(b): An incorporated society is recognized as a body corporate.

Section 22(2): "On the premises a special licence designated as an on-site special licence is held for, the licensee can sell and supply alcohol, for consumption there, to people attending an event described in it." As no person can be supplied alcohol at this event without first purchasing an entry ticket from us, we are profiting from the sale and supply of alcohol at our event.

**Commitment to a Safe and Family-Friendly Event**

The Contact Saturday in the Park 2025 event is a family-friendly event where alcohol consumption is not the primary attraction. We have had no issues with intoxication, disorder, or other alcohol-related harm. Furthermore, the Contact Saturday in the Park 2025 event does not contribute to post-event disturbances in the community and never has.

**Conclusion**

Under Section 3 of the Act, the purpose of the legislation is to "benefit the community as a whole" and to ensure that alcohol regulation is "reasonable." We propose that allowing us to control alcohol sales at our event is a reasonable approach that aligns with the broader community interests in Alexandra. This structure ensures responsible alcohol management, enhances public safety, and maintains the integrity of our event.

Sincerely,

The Alexandra Blossom Festival Committee Inc.

OF 20001

Alexandra Blossom Festival - 2025

Apply for a special licence  
for an event

AL250339116



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

Info@codc.govt.nz  
www.codc.govt.nz



## Apply for a special licence for an event

Reference

AL250339116

Submitted

20 Mar 2025 01:20

### Introduction

Use this form to apply for a special licence under [Section 138 of the Sale and Supply of Alcohol Act 2012](#).

### Information required

Information required to complete this application includes:

- Written consent from the premises owner (and body corporate if required) or conveyance owner
- Scale plan of premises or description of route including start and end points and any stops for events being held in a private vehicle
- A copy of your host responsibility policy
- Copies of managers certificates for duty managers (if relevant)
- Menu and drinks lists, include details of low alcohol and non-alcoholic beverages
- Copy of promotional material, invitations and/or tickets
- For larger events, an alcohol management plan

Note that other information may be requested once your application has been checked by our team.

### Privacy

The information you provide is official information and is used to help process your application. The information is held and used in accordance with the Local Government Official Information and Meetings Act 1987 and the [Privacy Act 2020](#). This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. Under the [Privacy Act 2020](#) you have the right to see and correct any personal information that Council may hold about you.

Sent to Paula + MOM - 20/3/25  
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1 Dunorling Street, PO Box 122, Alexandra, NZ | [www.codc.govt.nz](http://www.codc.govt.nz) | [info@codc.govt.nz](mailto:info@codc.govt.nz) | +64 3 440 0056

debt - 350073

The information collected on this form and relating to this application shall be used for the purpose of determining this application, any subsequent related applications under the Sale and Supply of Alcohol Act 2012 and any other matter arising under that Act. The information will be provided to the necessary reporting agencies (Police, Medical Officer of Health and Central Otago District Council), it will be held and processed by Central Otago District Council and will be publicly available.

## Fees

A fixed fee is set for certain activities, while other fees are charged on a time basis for processing and inspection purposes. Please consult [Council's fee schedule](#) before submitting your application.

## Licence type

What type of special licence is this application for?

*Note that an off-site special licence can only be issued to a manufacturer, distributor, importer or wholesaler of alcohol.*

Type of licence:

On-site - for consumption at event

## Event Title

Name of the Event

Alexandra Blossom Festival -2025

## Time Alcohol is available

You acknowledge, when filling out the time alcohol is available, you must not enter more than 5 hours. If you want to serve alcohol over a time period longer than 5 hours; you must have a 2 hour break before you serve or sell alcohol again.

Yes

## Declaration

By continuing with this application you certify that: Yes

- The information you provide is true and correct to the best of your knowledge.
- You undertake to pay all costs related to this application.

Alcohol licence holders must be 20 years or over, and have previous alcohol industry experience. Full details are required in order for the Police to conduct a check on the applicant's suitability as a licensee. Having this information also helps the Council keep its records up to date and enables previous records to be located in the computer system.

What is your role in this application?

Applicant

Status of applicant

Board, organisation or other body to which Section

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28(1)(f) of the Act applies

## Applicant details

<b>Applicant / licensee name</b>	Alexandra Blossom Festival Committee Inc
<b>Postal address:</b>	14 Centennial Avenue, Alexandra 9320
<b>Confirm that you are authorised to apply on behalf of the applicant and any other parties, including provision of information relating to criminal convictions (if applicable)</b>	Yes

## Contact person

<b>First name</b>	Martin
<b>Last name</b>	McPherson
<b>Phone number</b>	021879849
<b>Email address</b>	info@blossom.co.nz

## Criminal convictions

State all criminal convictions other than:

- Convictions for offences against provisions of the [Land Transport Act 1998](#) not contained in [Part 6](#).
- Offences to which the [Criminal Records \(Clean Slate\) Act 2004](#) applies.

Does the applicant or any other listed person have any such criminal convictions either in New Zealand or overseas? No

<b>Property ID</b>	2852117401
<b>Address</b>	21 Centennial Avenue, Alexandra
<b>House Number</b>	
<b>Street</b>	
<b>Suburb</b>	
<b>Area Description</b>	
<b>Owner</b>	
<b>Legal Description</b>	LOT 1 DP 312358
<b>Location</b>	
<b>Property Type</b>	
<b>Status</b>	
<b>Property Selected Id</b>	2852117401
<b>Valuation Number</b>	
<b>Assessment Number</b>	
<b>Property Ward</b>	
<b>Rates Account Identifier</b>	
<b>Rates Account Number</b>	
<b>Annual Rates Assessment Amount</b>	0.0
<b>Capital Value</b>	5170000.0

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Land Value	220000.0
Value of Improvements	4950000.0
Area	0.4219

## Premises details

Name of premises	Pioneer Park
<a href="#">Pioneer Park.pdf</a> (101 kb)	
Do you own the proposed licensed premises?	No

## Owner's details

### Full legal name required

First name	Central Otago
Middle name(s)	
Last name	District Council
Postal address:	PO Box 122, Alexandra 9340
What form of tenure will be held?	Tenancy agreement
What term of tenure will be held?	2 Days

Supply a written statement from the owner to the effect that the owner has no objection to the grant of this licence. This letter must also include reference to any outside area/s to be licensed.

[CODC Owned.docx](#) (67 kb)

Is this licence sought conditional upon construction or completion?	No
Is there an alcohol licence already held for the premises?	No

## Designated areas

What part (if any) of the premises does the applicant intend should be designated as follows.

A restricted area	
A supervised area	
An undesignated area	Whole of premises

## Plan

The plan must show the entire premises outlining:

- The inside area used for consumption of alcohol
- Any outside area used for the consumption of alcohol
- Principal entrance/s
- Any designated areas i.e. supervised, restricted or undesignated

Outline each area with a different coloured pen and provide a key to show which colour belongs to each area.

[Licensed Area Map 2024.pdf](#) (108 kb)

Note that if there is an outdoor area then an outdoor dining licence may also be required (separate application).

Location within premises; or room name (if any) N/A

## Fire evacuation declaration

Refer to [Section 76 of the Fire and Emergency Act 2017](#).

If unsure, check with Fire and Emergency New Zealand.

<b>Which of the following fire evacuation statements applies to this application?</b>	Because of the nature of the building, the owner is exempt from the requirement to provide and maintain an evacuation.
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## Details of event or occasion

**What is the nature and principal purpose of the event?** Alexandra Blossom Festival Saturday in the Park

Event Date

**Date** 27/09/2025

**Do you have a rain date?** No

State the hours in which alcohol will be sold, supplied or consumed:

Time period

**Start time** 11:00 a.m.

**End time** 5:30 p.m.

**Have you applied for this special licence 20 working days (or more) prior to the event?** Yes

**How many people are attending?** More than 400

[Alcohol Policy 2025.pdf](#) (235 kb)

**State the approximate age range of people attending:**

**Age from** 1

**Age to** 85

**Is the event on council land?** Yes

**Events permit application number or hall booking reference**

**Is the event open to the public?** Yes

[FrontCover-Advert.pdf](#) (1 mb)

**Is the event by invitation only?** No

**Is the event by ticket sales?** Yes

[BlossomFestivalTicket-2024.pdf](#) (514 kb)

**Will an outside area be used?** Yes

Is this area shown on your scale plan? Yes  
 Is the event in an alcohol ban area? Yes  
 What types of entertainment will be provided? (i.e. music, bands, none) Live music  
 What time will the entertainment be provided from and to? 1pm-6pm

## Security

If the event is a large alcohol event e.g. wine/beer festival - you will be required to use approved certificated security personnel.

Will security be employed at the event? Yes  
 Name of security company employed Allied Security  
 How many security officers will be employed? 12  
 Contact person's name Damion Black  
 Contact person's phone number 0275255433

## Fire safety

Provide a statement regarding compliance with fire safety standards according to section 76 of the Fire and Emergency New Zealand Act 2017

Fire safety statement Outdoor event N/A  
 Fire safety statement

What provision do you intend to make for the sale and supply of the following:  
 (describe type and range)

**Food** The area hosts a range of food vendors selling a variety of hot and cold food such as pizza, salads, whitebait patties, hot chips, and burgers. The festival has expanded the food court area to accommodate a variety of international flavors Sth African, Filipino, Indian, Japanese, and Thai cuisine all feature at the event.

**Non-alcoholic refreshments** Vendors sell coffee and a range of soft drinks and other no alcoholic beverages

**Low-alcohol beverages** Each vendor is encouraged to supply low alcohol

Copy of the menu

What type of alcohol beverages will be available for sale at your event? (tick as many as appropriate)

- Beer
- Wine
- Spirits
- Cider

How many alcoholic drinks can be purchased at one time? 4

What containers will the alcohol be sold or consumed in?

- Plastic
- Cans

Will you be offering tastings? No

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<b>What experience and training has the applicant undertaken?</b>	Over 40 years' experience in the event and hospitality industry. A fully certified duty manager engaged for the event.
<b>What steps do you propose to take to ensure that the requirements of the Act in relation to the sale of alcohol to prohibited persons are observed?</b>	Brief all contracted Festival staff and vendors prior to the event on all matters relating to our alcohol policy and their responsibilities regarding the serving of alcohol. Duty manager inspects all vendors and insures correct and appropriate signage, display of manager license and abundant water available. Security actively monitors all vendors and vendors must have a certified working on the day. Security also monitors the audience for intoxication and supply to minors
<b>What steps do you propose to take to provide assistance with or information about alternative forms of transport from the licensed premises?</b>	Patrons are encouraged to walk to venue. Security has mobile phone and RTs for comms security have vehicles available for transport.
<b>What other steps do you propose to take aimed at promoting the responsible consumption of alcohol?</b>	Serve and size limits. Food and alcohol alternatives. Alcohol is not the focus of the day the entertainment and festive atmosphere
<b>What other systems (including training), and what staff are to be or will be in place for compliance with the Act?</b>	All vendors must have certified managers staffing their booths. Trained and hospitality experienced security staff and one duty manager engaged by the festival for overall control of the event.
<b>Describe why granting this application will not decrease the amenity and good order of the area by more than a minor extent</b>	The Saturday in the Park event has been licensed for 25 years. We are proud of our record of minimal effect on the surround area.
<b>Describe how granting this application will contribute to the object of the Act</b>	The event is a community celebration the doesn't have an alcohol focus but encourages by our management style the consumption in a safe manner.
<b>What is your policy regarding pricing and promotions?</b>	We actively discourage alcohol promotion and pricing reflects the quality of goods on sale.

**At all times when alcohol is being sold or supplied to the public, a manager (appointed under [Section 214](#) and [Section 215](#) of the Sale and Supply of Alcohol Act) must be on duty. The duty manager shall be responsible for compliance with the Act.**

**A special/club licence requires you appoint either licensed manager/s or responsible person/s to ensure compliance with the Sale and Supply of Alcohol Act.**

**Provide the details of ALL managers and responsible people.**

**I have manager/s details** Yes

**Provide the details of ALL managers or proposed managers.**

Manager

Full legal name is required

<b>First name</b>	Jamie
<b>Middle name(s)</b>	Allan
<b>Last name</b>	Hughes

**Has this manager been issued with their certificate yet?** Yes

Certificate details



Manager's certificate number	069/CERT/276/2016
Was the certificate issued by Central Otago District Council?	No
Issued by	Dunedin District Licensing Committee
<a href="#">GM-5554-2006 - Jamie Allan HUGHES.pdf</a> (138 kb)	
Certificate expiry date	20/06/2025
I have responsible person/s details	

## Host Responsibility Policy

[Host Responsibility Policy for Outdoor Event.pdf](#) (193 kb)

### Cash Bar

Is there a cash bar?	Yes
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### General nuisance/vandalism/noise

How will you ensure there is no disorderly behaviour/general nuisance or increase in vandalism caused by persons attending your event?	By preventing intoxication and activity policing crowd behavior no disorderly acts have been linked to the Saturday in the Park event.
How will noise from the event be managed and mitigated?	Professional PA 6pm finish.

### Police disclosure authority

Download and complete the [Police Disclosure Authority form](#) and then upload the completed copy below.

[Police Discloser Form JH.pdf](#) (593 kb)

## DUNEDIN DISTRICT LICENSING COMMITTEE

### RENEWAL OF MANAGER'S CERTIFICATE

Section 228, Sale and Supply of Alcohol Act 2012

### JAMIE ALLAN HUGHES

Your Manager's Certificate 069/CERT/276/2016 is renewed.

Subject to the requirements for the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of managers' certificates, unless renewed again this certificate shall expire on 17 June 2025.

**DATED** at Dunedin this 28<sup>th</sup> day of June 2022



Kevin Mechen  
Secretary

DUNEDIN DISTRICT LICENSING COMMITTEE

Decision No: 2022/231/MC

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of application by Jamie Allan Hughes  
for the renewal of a Manager's  
Certificate pursuant to s.224 of the  
Act

**DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE**

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

**DECISION**

This is an application by Jamie Allan Hughes for the renewal of a manager's certificate to manage their licensed premises known as "Toast".

The applicant holds the required qualification and has relevant experience in managing a licensed premises.

Reports from the Police and Licensing Inspector have been received for the application and there are no objections to the issue of the Certificate. Accordingly, this application is decided on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.222 of the Act and grant the application accordingly.

**DATED** at Dunedin this 28<sup>th</sup> day of June 2022

  
Kevin Mechen  
Secretary



**DUNEDIN DISTRICT LICENSING COMMITTEE**



## Disclosure Authority

Applicant (if a natural person) to complete and submit with application

- All directors of the applicant company
- Secretary of applicant club
- For a special licence the duty manager and applicant for the event

### Personal Information

Full name : Jamie Allan Hughes

Gender:

(M) ☒ (F) ☐ (Other) ☐

Date of birth:  
(dd/mm/yyyy)

NZ Driver Licence

number:

Or Passport number:

**BY613072 Version 459**

**Previous names:** If applicable, please include other alias or alternate names; married name if not your primary name; previous/maiden/name changed by deed poll or statutory declaration.

Family name

First name

Middle names

### Consent to release information

1. The New Zealand Police may release **any** information they hold relevant to the purpose of enabling the District Licensing Committee (DLC) to decide on my suitability to hold a licence or managers certificate
  - Conviction histories and infringement/demerit reports
  - Active charges and warrants to arrest
  - Charges that did not result in a conviction including those that were acquitted, discharged without conviction, diverted or withdrawn
  - **Any** interaction I have had with New Zealand Police considered relevant to the role being vetted, including investigations that did not result in prosecution
  - Information subject to name suppression where that information is necessary to the purpose of the vet
2. NZ Police may release the information listed in Section 1 to reporting agencies for the reason listed above
3. If I am eligible under the Criminal Records (Clean Slate) Act 2004, my conviction history will not be released
4. The Police may disclose new relevant information to the DLC after the completion of the Police Vet in the following circumstances:
  - The disclosure of the newly-obtained information is considered to be justified under the Privacy Act 1993 (if it had existed or been available at the time of the Police vet, it would have been disclosed); and
  - The Police has ascertained that the purpose of the Police vet still exists.
5. Information provided in this consent form may be used to update New Zealand Police records.
6. I am entitled to a copy of the vetting result released to the DLC and can seek a correction by contacting Police.
7. I may withdraw this consent, prior to Police's disclosure of the vetting result.

### Applicant's Authorisation:

- ✓ I confirm that the information I have provided in this form relates to me and is correct.
- ✓ I have read and understood the information above.
- ✓ I authorise New Zealand Police to disclose any personal information it considers relevant to my application (as described above) to the DLC making this request for the purpose of assessing my suitability at any time.
- ✓ I authorise New Zealand Police to disclose any personal information it considers relevant to my application (as described above) to the reporting agency for the purpose of assessing my suitability at any time.

Name:

**Jamie Hughes**

Date:

**07/03/2024**

Signature:

Electronic Signature



Updated 3/20

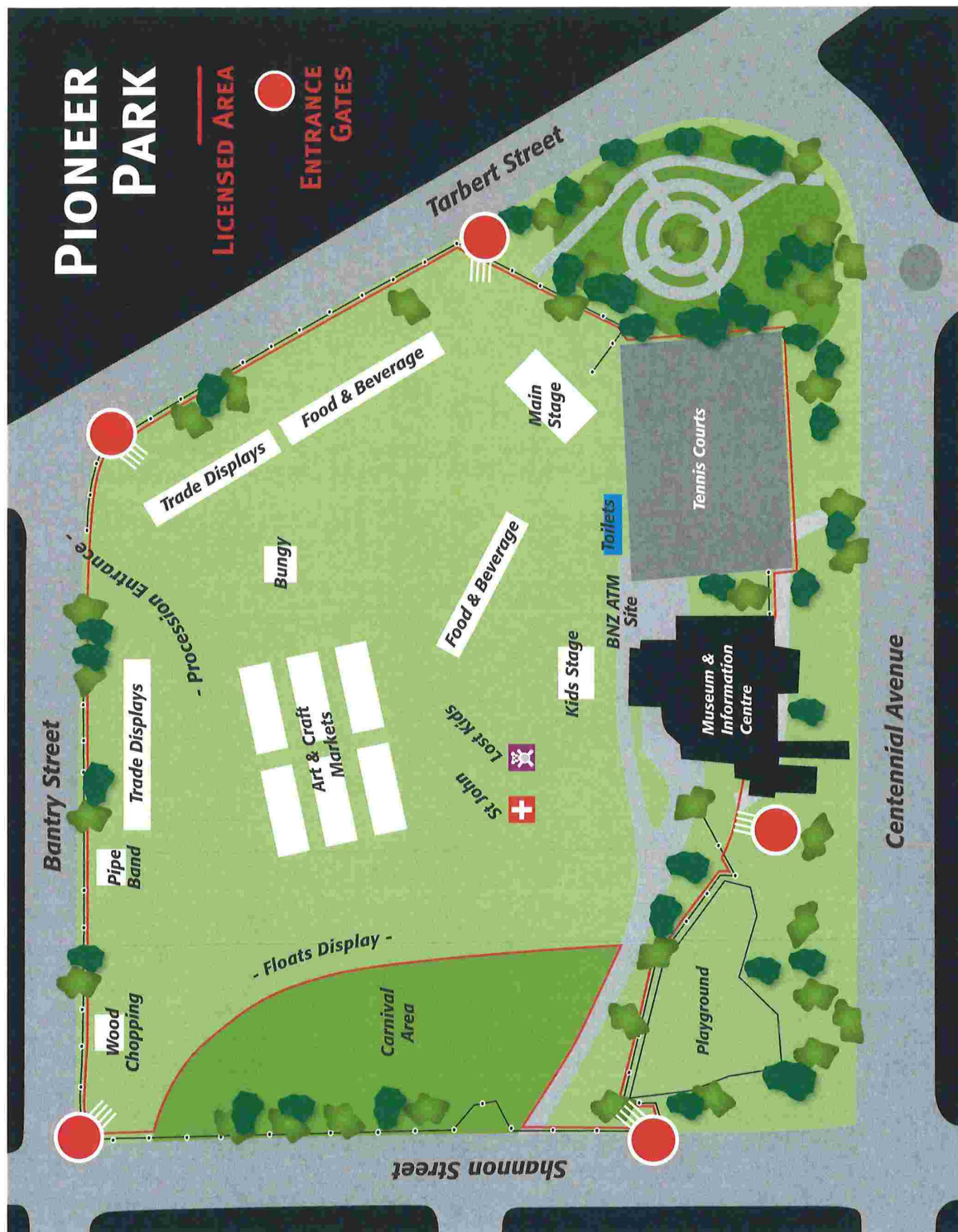
6



**Pioneer Park is a council owned facility**

Martin McPherson  
Event Manager 021 879 849

[www.blossom.co.nz](http://www.blossom.co.nz)  
[info@blossom.co.nz](mailto:info@blossom.co.nz)







**ALEXANDRA**

**Blossom Festival**

**27TH SEPT - 29TH SEPT 2024**

**LOCALS TICKETS**  
**EARLY BIRD SPECIAL**  
**\$6 EACH**  
Kids under 5 years FREE  
Available until Friday 27th September

**PARTY IN THE PARK**  
**SAT 28TH SEPT**

**QUEENSTOWN FUNK ORCHESTRA**

**SIMON GREEN NEIL DIAMOND TRIBUTE SHOW**

**HIGHLAND STORM**

**JODY DIREEN**

**PAUL FOULDS**

**MAIN EVENTS**

**Friday 27th September**

- The News Round the Clock Race
- Fulton Hogan Mardi Gras Linger & Die - from 5pm
- Freestyle NZ FMX Spectacular
- Fireworks Display - from 8pm

**Saturday 28th September**

- Booths 42nd Anniversary Blossom Festival Truck Parade - 11.45am
- Contact Grand Parade - 12noon. Featuring: Floral Floats, marching bands, clowns, stilt walkers, hot rods and vintage cars
- Contact Party in the Park - 1.00pm. Featuring: Paul Foulds, Queenstown Funk Orchestra, Jodie Dreen, Neil Diamond Tribute Show, Highland Storm, Chinese Dragon Dancers, wood chopping display, live & local entertainment, carnival rides and side shows, kids stage, licenced arena, wide variety of food stalls, local wineries, craft beers and a HUGE arts and crafts market.

**Sunday 29th September**

- The Delta Spring Garden Tours - from 10am to 5pm

**PRINCIPAL PARTNER:**

**contact.**

**SPONSORS:**

**NEW WORLD ALEXANDRA**

**BDO**

**image central**

**DELTA**

**bnz**

**Fulton Hogan**

**ASPIRING AUTO COURT**

**allwaste**

**THE NEWS**

**ICENTRAL**

**BOOTH'S LOGISTICS**

**BREEN**

**GRANTS:**

**AOTEAROA GAMING TRUST**

**Pub Charity**

**OTAGO Community Trust**

**CENTRAL LEAD**

**PIONEER PARK IS smokefree**

**NO DOGS ALLOWED**

**www.blossom.co.nz**







## Host Responsibility Policy for Contact Saturday in the Park 2025

### Event Overview:

- **Event Name:** Contact Saturday in the Park 2025
- **Date:** Saturday 27<sup>th</sup> September 2025
- **Location:** Pioneer Park, Alexandra
- **Expected Attendance:** Approximately 10,000 people
- **Alcohol Outlets:** Up to 10

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### 1. Purpose

The purpose of this Host Responsibility Policy is to promote the responsible service and consumption of alcohol at Contact Saturday in the Park 2025 event, ensuring the safety and enjoyment of all attendees, volunteers, staff and vendors while adhering to New Zealand's liquor licensing laws.

### 2. Key Objectives

- To minimize alcohol-related harm.
- To ensure a safe environment for all attendees, volunteers, staff and vendors.
- To comply with all relevant laws and regulations regarding the sale and consumption of alcohol.

### 3. Host Responsibilities

- **Management and Training:**
  - All staff involved in the sale and service of alcohol must have undergone training in responsible alcohol service. This will include training on identifying signs of intoxication, managing difficult situations, and understanding legal obligations.
  - All vendors selling alcohol must have at least one certified manager on duty. The

event Duty Manager will make himself known to your staff and check you are displaying the correct signage and have free water available for patrons.

- **Identification Checks:**

- Valid identification will be required for all patrons purchasing alcohol. Acceptable forms of ID include a New Zealand driver's license, passport, or a Kiwi Access Card. All patrons appearing to be under 25yrs of age are expected to be asked for valid ID. Vendors found not complying with this risk being asked to close immediately.

- **Limitations on Service:**

- Alcohol will be served in standard drink sizes to help patrons monitor their consumption. Beer serves are not to exceed 500ml. Wine serves are not to exceed 200ml. Cans to be degassed. A maximum of four serves per customer is allowed.
- Staff will be trained to refuse service to any patron who shows signs of intoxication or is behaving inappropriately. Staff are expected to be aware of the legal signs of intoxication.
- Vendors who serve patrons showing signs of intoxication risk being asked to close immediately.

- **Food and Non-Alcoholic Beverages:**

- A range of food options and non-alcoholic beverages will be available near all alcohol outlets to encourage responsible drinking and provide sustenance. We encourage all alcohol vendors to have low and non-alcoholic product for sale for the duration of the event. Free water is available at all vendors.
- Low alcohol options must be 2.5% abv or lower.

#### **4. Communication and Signage**

- Clear signage will be displayed throughout the event, reminding patrons of responsible drinking practices and the availability of food and non-alcoholic drinks.
- Announcements will be made periodically to promote responsible drinking and inform attendees of the resources available for assistance.
- All alcohol vendors must have a sign indicating the free water, a sign stating the prohibition of serving minors or intoxicated people, a sign indicating alternative transport can be arranged by festival organisers
- Signage will be provided by organisers.

#### **5. Security and Support Services**

- A dedicated Allied Security team will be in place to monitor the event and manage any issues related to alcohol consumption.

- First aid services will be readily available to assist any patrons in need of medical attention. The St Johns tent will be located near the children's entertainment stage.

#### **6. Transportation and Departure Planning**

- Information regarding public transport options, designated driver schemes services using Allied Security will be provided to encourage safe travel to and from the event. Patrons are encouraged to walk to the venue.

#### **7. Monitoring and Evaluation**

- The event will include a monitoring plan to evaluate the effectiveness of the Host Responsibility Policy. Feedback from patrons, staff, and security will be collected to identify areas for improvement in future events.

#### **8. Compliance with Legal Standards**

- The event will comply with the Sale and Supply of Alcohol Act 2012 and any conditions set forth in the event's liquor license.
- The Duty Manager has the last say with regard to the operation of any alcohol vendor at the event.
- If alcohol vendors are found to breach any of the requirements of the Sale of Alcohol laws they risk being immediately shut down and may be refused a booth for future Alexandra Blossom Festival events.

---

### **Conclusion**

By implementing this Host Responsibility Policy, the Alexandra Blossom Festival Committee aims to create a safe, enjoyable, and responsible environment for all attendees while promoting a positive and memorable experience. The cooperation of all staff, vendors, and patrons is essential in achieving these goals.



## Alexandra Blossom Festival

Saturday 27<sup>th</sup> September 2025

### Alcohol Management Plan

#### Event Introduction

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The Alexandra Blossom Festival (ABF) is one of New Zealand's longest running community events and is Central Otago's annual celebration of spring.

2025 will see the festival celebrate 68 years of hosting a unique local attraction.

It has established itself as one of the biggest social gatherings in Central Otago. The crowd in 2024 was approximately 14000. A similar crowd is expected in 2025.

The attendees are from a large cross section of the society, male and female, young and old.

The Alexandra Blossom Festival is a popular family orientated festival.

The gates open to Pioneer Park at 10am with the arts and crafts market and sideshows open for business. The main parade starts at 12 noon and climaxes with the floats proceeding to Pioneer Park for display. An afternoon's entertainment follows from 1pm.

The admission cost is \$10 per person under 5 is free.

A licensed arena is planned where a food and wine festival styled atmosphere are created using a wide range of food and beverage vendors. The license would be unrestricted and run from 11.00am to 5.30pm. Individual business purchase sites from the organising committee. These sell a variety of local wines, ciders, and boutique beers. The area also hosts a range of food vendors selling a variety of hot and cold food such as pizza, salads, whitebait patties, hot chips, and burgers. The festival has expanded the food court area to accommodate a variety of international flavors Sth African, Filipino, Indian, Japanese, and Thai cuisine all feature at the event.

In 2024 the festival hosted 44 food and beverage sites, 8 of which sold alcohol, 33 sold food and 3 coffee carts. The organisers imagine a similar level of interest in 2025.

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### Key Information & People

---

Event Name:	Contact Alexandra Blossom Festival "Saturday in the Park"
Event Location:	Pioneer Park Alexandra
Event Date:	27 <sup>th</sup> September 2025
Event Organiser:	Alexandra Blossom Festival Committee Inc. PO Box 390 Alexandra 9340 info@blossom.co.nz
Event Manager:	Martin McPherson 021 879 849
Chairperson:	Sharleen Stirling-Lindsay
Bar Manager:	Jamie Hughes
Security Managers:	Allied Security. All public areas and admission points.

## Alcohol Management Plan

### Key Strategies

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#### *Pre-Event Education & Information*

ABF is committed to educating the public prior to the event regarding all matters relating to the key components of this alcohol policy.

Media relations and press communications in the following

Otago Daily Times – Feature & Advertising  
Local Radio  
Event Program  
Prominent signage on gates & entrance ways

1. Pioneer Park is a licensed premise.
2. There are provisions in place to ensure no alcohol of any description or quantity is brought to the premises by festival goers. Any alcohol found on persons entering the park will be confiscated.
3. Confirm that anybody showing signs of intoxication will not be permitted to enter Pioneer Park.
4. Advise that no persons under the age of 18 can purchase alcohol at the event.
5. Advise that there will be no tolerance of an unruly or aggressive behavior at the event and Festival goers behaving as such will be removed from the park.
6. The advice is that suitable transport should be sourced prior to the event for departure from the venue at the conclusion of the festival.

*At the Event*

The ABF is determined to ensure that the event is run in a professional manner that ensures its patrons safety and well-being. It therefore will put forward the following alcohol policy management strategies in 2025.

**STAFF EDUCATION**

1. Plan effectively in conjunction with appropriate people at CODC and the police prior to the event to ensure that all goals and objectives are aligned and make sure that risks are reduced.
2. Brief all contracted Festival staff and vendors prior to the event on all matters relating to this alcohol policy and their responsibilities regarding the serving of alcohol. This will take place at a formal gathering of all event staff and vendors prior to the afternoon's entertainment.
3. Written documentation will be forwarded to all contracted staff and vendors prior to the event highlighting key points such as the conditions of our license and obligations relating to alcohol service such as ID checks, selling of alcohol to minors and serving intoxicated people. It will also list controls and responses and how to deal with problems that arise such as how to identify and handle people showing signs of intoxication. A person who holds a manager's certificate is to be manning each vendor booth when alcohol is available for attendees. A copy of this plan will be included.

**GATES**

4. The event is strictly no BYO and security staff will manage the gate entrances and car park areas to ensure that no alcohol is brought into the venue. The area licensed is defined by the security fence and signage banning alcohol in the carnival area as indicated on map.

**In the Licensed Arena**

5. Vendors will provide and promote low-alcohol/no-alcohol drinks at all outlets.
6. Vendors will provide food at several locations around the facility for the duration of the festival entertainment.
7. Free water will be made available at all liquor outlets. Alcohol sales hours will be strictly adhered to, and patrons will be made aware that the opening times are at the discretion of vendors and may be closed at any time, for any duration. Vendors will exercise this right, if it feels at any stage that it will enhance the event to do so.
8. Signage will be erected in all alcohol vendors detailing the conditions of service: Limits of service, ID Check, Age requirements, no service of intoxicated people, no tolerance of unruly and aggressive people and the right of the ABF/Security/Police to remove people from the area.
9. In all vendors will limit the amount of alcohol people can purchase. This will be two 150 ml serves of wine or 4 x 500ml serves of beer per person.
10. The tabs will be removed from all canned beer sold.
11. Purchasing wine by the bottle will not be allowed. All other beverages will be served in plastic cups. No Off-license sales available.
12. There are no self-serve areas.



13. Each vendor must be staffed with a person who holds a manager's certificate if they have alcohol available to attendees.

**OTHER**

14. Visual security guards will be employed to overtly observe the consumption of alcohol around Pioneer Park to monitor behavior and deal with any potential problems prior to them arising.
15. Alcohol will be prevented from leaving the licensed area by way of prominent signage and active policing by security staff.
16. Police presence is anticipated at the event. The police will be given the right to trespass individuals removed from the area for inappropriate behavior.
17. All security people have access to mobile phones and radios to communicate with each other and police if required.
18. There will be no alcohol promotions run at this event.

***Post Event Evaluation***

The ABF will invite CODC Liquor Licensing, Police, Security, Overall Bar Manager, Vendor Bar Manager and key event organisers to a meeting to ascertain how the day operated and identify any problems that can be eradicated or improved upon in future years.

**From:** COWIE, David (Dave)  
**Sent:** Mon, 24 Mar 2025 22:20:50 +0000  
**To:** Frontline File Management; Donna Diack  
**Subject:** FW: [EXTERNAL] SP25039 - Alexandra Blossom Festival 2025 - Part 1  
**Attachments:** SP25039 2025 Application Part 1.pdf

Reviewed with no opposition from the New Zealand Police .

FFM: Can you please enter a file, attach the application and then file.

Kind Regards

**Dave COWIE**

**Senior Constable**

**Alcohol Harm Prevention and Community Officer**

**ALEXANDRA POLICE**

*DX ZX10319,2 Kelman street , Alexandra , , New Zealand*

*Telephone: +64 3 4402506, ext 34406*

*Cell: 021 191 5313*

*E-mail: david.cowie@police.govt.nz*

---

**From:** Donna Diack <Donna.Diack@codc.govt.nz>  
**Sent:** Thursday, March 20, 2025 2:15 PM  
**To:** HENDERSON, Patrick <Patrick.Henderson@police.govt.nz>; Stephanie Bekhuis-Pay <stephanie.bekhuis-pay@tewhatuora.govt.nz>; alcoholadmin@southerndhb.govt.nz  
**Cc:** COWIE, David (Dave) <David.Cowie@police.govt.nz>  
**Subject:** [EXTERNAL] SP25039 - Alexandra Blossom Festival 2025 - Part 1

**CAUTION:** This email originated from outside the New Zealand Police Network. DO NOT click links or open attachments unless you recognise the sender and are assured that the content is safe.

Good afternoon all

Please report on the attached application – I will be sending in two emails as you both don't seem to be able to receive the size of it.

Applicant: Alexandra Blossom Festival Committee Incorporated  
Location: Pioneer Park - 21Centennial Avenue, Alexandra  
Event: Alexandra Blossom Festival – 2025  
Date: Saturday 27 September 2025 from 11.00am to 5.30pm

Kind regards

**Donna Diack****Regulatory Support - Environmental Health**

+64 3 440 0635

[Donna.Diack@codc.govt.nz](mailto:Donna.Diack@codc.govt.nz)

1 Dunorling Street, Alexandra 9320

[www.codc.govt.nz](http://www.codc.govt.nz)

Central Otago District Council is working on its first Play Strategy, which will guide how the council provides opportunities for play for the next 30+ years.

To shape the future of play in Central Otago fill out the:

**PLAY SURVEY**

**OPEN TO ALL AGES**  
CHILDREN CAN WRITE IT OR DRAW IT!  
(pick up a sheet from your local library)

Visit any Central Otago District Council playground and tell us what you think:

**PLAY CHALLENGE**

BE IN TO WIN! GO IN THE DRAW FOR A \$50 PREZZY CARD!

Check out [lets-talk.codc.govt.nz](http://lets-talk.codc.govt.nz) from 3 March - 28 April 2025

If you have received this email and any attachments to it in error, please take no action based on it, copy it or show it to anyone. Please advise the sender and delete your copy. Thank you.

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**From:** Melissa Joyce  
**Sent:** Wed, 26 Mar 2025 19:47:27 +0000  
**To:** Donna Diack; Angie Symon; Alcohol  
**Subject:** No Opposition SP25039 Alexandra Blossom Festival 2025

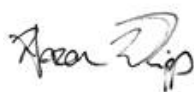
You don't often get email from melissa.joyce@tewhatauora.govt.nz. [Learn why this is important](#)  
27 March 2025

**Ref:** SP25039  
**Application received:** 20 March 2025  
**Applicant:** Alexandra Blossom Festival 2025  
**Premises:** Pioneer Park,  
Alexandra  
**Event:** Alexandra Blossom Festival 2025  
**Date of Event:** 27 September 2025

Dear DLC Secretary,

This Application is not opposed.

Yours sincerely,



Aaron Whipp

*Delegated by the Medical Officer of Health, under section 151 of the Sale and Supply of Alcohol Act 2012*

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## Licensing Inspector's Report Application for Special Licence



Pursuant to Section 141 of the Sale and Supply of Alcohol Act 2012

Application Number: SP25039

**IN THE MATTER** of an application by **Alexandra Blossom Festival Committee Incorporated** for a Special Licence for Alexandra Blossom Festival - 2025 Pioneer Park - 21 Centennial Avenue, Alexandra, to be held .

**Applicant:** Alexandra Blossom Festival Committee Incorporated is a suitable entity to hold a Special Licence.

**Event:** Alexandra Blossom Festival - 2025.

**Venue:** Pioneer Park – 21 Centennial Avenue, Alexandra is a suitable venue for this event.

**Days and Hours:**

Saturday 27 September 2025 from 11.00am to 5.30pm  
The hours are considered to be appropriate for the event.

**Host Responsibility:**

The applicant is aware of their host responsibilities as required by the Sale and Supply of Alcohol Act 2012.

**Suitability of Manager:**

Jamie Allan Hughes holds a current Managers Certificate and is aware of his responsibilities to ensure the object of the Act is upheld.

**Food:**

The range of food promoted in the application is appropriate for this event.

**Non-Alcoholic Beverages:**

An acceptable range including free drinking water will be available.

**Security:**

12 Qualified Allied Staff will be monitoring patrons during the event.

**Persons Attending:**

Ticket sales are open to the general public.

**Transport Home:**

Security staff are available to transport people home, if necessary, along with phones to call someone or a taxi.

**Designation:**

Not required for this type of event.

**Location/owners approval:**

Not required as it is a Council owned property.

**Police Approval:**

An email was received 25/03/2025 advising the Police have no opposition to this application.

**Medical Officer of Health approval:**

An email was received 27/03/2025 advising the MOH has no opposition to this application.

**Design and Layout:**

Satisfactory for this type of event.

**Adequate Staff and Appropriate Systems**

The appointed manager will be on duty at all times and will ensure there are adequate staff available to assist.

**Amenity and Good Order**

The people attending the event are unlikely to behave in such a manner as to have an adverse effect on the amenities of the area.

**Recommendation**

I raise no matters in opposition to this application and consider the application appears to meet the criteria as outlined in s.142 of the Act, for which a special licence can be granted.



Fiona Boss  
Licensing Inspector

27 March 2025

SP25039-DLC-CODC

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by the **ALEXANDRA  
BLOSSOM FESTIVAL COMMITTEE  
INCORPORATED** pursuant to s.137 of  
the Act for a special licence to sell and  
supply alcohol as part of an event known  
as the **ALEXANDRA BLOSSOM  
FESTIVAL - 2025**

**BEFORE THE DISTRICT LICENSING COMMITTEE**

**DECISION**

- [1] An application was filed by the Alexandra Blossom Festival Committee (ABF) Incorporated for a special licence to sell and supply alcohol to those attending the event known as the Alexandra Blossom Festival - 2025. This is to be held at Pioneer Park – 21 Centennial Avenue, Alexandra, on Saturday 27<sup>th</sup> September 2025 and the hours requested for the licence are from 11.00am until 5.30pm.
- [2] The Inspectors report on the application, as part of the information required by s.141, contained a detailed Alcohol Management Plan. Within it, the ABF key administrators, event organisers, managers and security personnel were identified including their roles and appropriate event experience. Whilst the ABF was not to be one of the vendors of alcohol, it wished to hold the overarching licence for the event. The ABF has managed this event for many years and are of the opinion that one on-licencee is the most effective way of ensuring the Object of the Act is achieved and that any adverse effects created under s.25 of the Act would be eliminated. There were no reports in opposition from the Agencies.
- [3] During the committee's initial deliberations, further information was helpfully furnished by the Inspector. In particular, the effect of the 2016 amendment to the Act that clarified the intent of s22(2) regarding a licensee's ability to sell and supply alcohol as opposed to sell or supply. Further, s. 22(2) states 'the licensee can sell and supply alcohol', it does not say the licensee's alcohol as it does in s22(5) when describing special off-licences. The afore mentioned effect of this distinction is that in order to comply with the requirements for a special licence, a licensee must be directly involved in the sale and supply of alcohol.
- [4] The committee commend the ABF and the intent of the application. The committee is aware of special licenses issued for other similar events that do comply with s.22(2) of the Act. We encourage the applicant to relook at this application. Unfortunately, as it stands the committee must decline this application on the papers.

**DATED** at Queenstown this 11<sup>th</sup> Day of April 2025

A handwritten signature in black ink, appearing to be 'J.M. Mann', with a checkmark at the end.

J.M. Mann  
Commissioner  
Central Otago District Licensing Committee







21/ 2481108

28<sup>th</sup> April 2025

The Secretary  
Central Otago District Licensing Committee  
1 Dunorling Street  
Alexandra

Dear Sir,

(SP25039)

The Alexandra Blossom Festival Committee Inc recently made application for a special licence (SP205039). The application was considered by the Committee which availed itself of s.144(5) of the Act and declined to grant the issue of a licence.

We respectfully submit that the Committee has erred in its use of s.144(5) without holding a public hearing, for the following reasons –

- In the decision, the Commissioner states he has received further information from the Inspector. We have not been provided with a copy of this information and believe this may be in breach of s.141(6).
- The Commissioner also states, "The Committee is aware of special licenses issued for other similar events that do comply with s.22(2) of the Act". We are not able to identify the events referred to and have had no relevant information provided to us by the reporting agencies.
- We believe the failure to provide us with information used when considering our application is a breach of natural justice.
- We further submit that not allowing us to be heard on the information in question is also a breach of natural justice.
- We also believe we should have had the opportunity to address the Committee directly in support of our application and by not offering us that chance there has been a breach of natural justice.
- We note the Westlaw commentary around the use of s.144 states: "*In the circumstances set out in (3) and/or (5) above, the rules of natural justice apply.*" ..... "*A Committee could not refuse an application without giving the applicant an opportunity to be heard — most likely in a hearing.*"

We are requesting the Committee re-hear the application pursuant to its power under s.201(4) so we may be provided with the information they used in the decision and have an opportunity to make submissions on that. We also wish the chance to discuss with the Committee other special licence events using similar licence structures to the one we seek.

We acknowledge our option to appeal the decision to ARLA, but our appeal would be based only on the above grounds and our desired outcome would be for the matter to be re-heard by the DLC. This avenue seems to be a waste of time and money for us and Council as, we believe, it is highly likely such an appeal would be successful and would result in the same outcome – i.e. a public hearing into the application.

Yours Sincerely,

A handwritten signature in black ink, appearing to be "S. Stirling-Lindsay".

Sharleen Stirling-Lindsay  
Chair  
Alexandra Blossom Festival Committee Inc.

**BEFORE THE DISTRICT LICENSING COMMITTEE**

Between: **ALEXANDRA BLOSSOM  
FESTIVAL COMMITTEE**  
Applicant

And: **NEW ZEALAND POLICE**  
In support

---

**An application by the Alexandra Blossom Festival Committee for an on-  
licence pursuant to the Sale and Supply of Alcohol Act 2012, in respect of  
the Blossom Festival, Pioneer Park, Alexandra**

---

**SUBMISSIONS OF POLICE**

---

Filed by:

Senior Constable David COWIE  
Alcohol Harm Prevention Unit  
Alexandra Police  
David.cowie@police.govt.nz

**May it please the Committee,**

**Introduction:**

1. The Alexandra District Licensing Committee has before it an application by Alexandra Blossom Festival Committee, for an on-licence to be situated at Pioneer Park, Alexandra.
2. The on licence is for Saturday the 27<sup>th</sup> of September 2025 day for the annual Alexandra Blossom Festival.
3. Police are not in opposition to this application.

**Applicable Law:**

**142Criteria for issue of special licences**

In deciding whether to issue a special licence, the licensing committee concerned must have regard to the following matters:

*(a)the object of this Act:*

*(b)the nature of the particular event for which the licence is sought and, in particular, —*

*(i)whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and*

*(ii)whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*

*(c)the suitability of the applicant:*

*(d)any relevant local alcohol policy:*

*(e)whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence:*

*(f)the days on which and the hours during which the applicant proposes to sell alcohol:*

*(g)the design and layout of the premises concerned:*

*(h)whether the applicant has appropriate systems, staff, and training to comply with the law:*

*(i)any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas:*

*(j)any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed:*

*(k) the applicant's proposals relating to—*

- (i) the sale and supply of non-alcoholic drinks and food; and*
- (ii) the sale and supply of low-alcohol drinks; and*
- (iii) the provision of help with or information about alternative forms of transport from the premises;*

*(l) any matters dealt with in any report from the Police, the Medical Officer of Health, or an inspector made under section 141.*

### **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).*

### **Application:**

Under section 3 of the Act, having one overarching Licensee, they will affect and administer the sale and supply to achieve the object of the Act.

Having one Licensee for the Blossom Festival ensures:

- Compliance with all licence conditions,
- Oversight by a single duty manager,
- The ability to monitor vendor adherence to regulations,
- Authority to suspend non-compliant vendors, if necessary,
- A single point of contact for enforcement agencies, ensuring clear accountability

The practicality of each booth obtaining special licences and then having to enforce it on patrons, restricting their movements, will undoubtedly cause the vendor some angst and more than likely, unwittingly, breach their licence.

This in turn also can cause some difficulty in identifying the responsible licensee if seeking to pursue a prosecution.

Having an overarching DM with a team of standalone DMs at each point of sale is an option. However, this could become problematic logistically for the organisers.

When trying to compare other events like the Blossom Festival, the Cromwell Races come to mind. This event is well patronised by the 18–25-year-old age group and the overarching DM works very well.

**Conclusion:**

I have worked several Blossom Festivals and witnessed the sale and supply on this Saturday in the past.

The day is promoted well as a family-friendly event and is run as such.

Some event attendees do get mildly intoxicated but they are on a low level when relating their behaviour back to the SCAB chart.

At the end of the day the crowd disperses without issue back into a liquor ban area of the Alexandra Township where this area is Policed accordingly.

This is the submission of Police.

Dated at Alexandra this 26<sup>th</sup> of June 2025.



Designation Senior Constable D A COWIE

## Licensing Inspector's Report Application for Special Licence



### Pursuant to Section 141 of the Sale and Supply of Alcohol Act 2012

Application Number: SP25039

**IN THE MATTER** of an application by **Alexandra Blossom Festival Committee Incorporated** for a Special Licence for Alexandra Blossom Festival 2025 Pioneer Park, Centennial Avenue, Alexandra.

**Applicant:** Alexandra Blossom Festival Committee Incorporated is a suitable entity to hold a Special Licence.

**Event:** Alexandra Blossom Festival- 2025

**Venue:** Pioneer Park - Centennial Avenue is a suitable venue for this event.

**Days and Hours:**

Saturday 27 September 2025 from 11.00am to 5.30pm.  
The hours are appropriate for the event.

**1.Introduction:**

The Alexandra Blossom Festival (ABF) is reported to be New Zealand's longest running festival starting in 1957 to celebrate the arrival of spring.

The festival is a week-long series of events with a Friday night Mardi Gras, Saturday Grand Parade and Party in the Park, Sunday Garden Tour and much more.

ABF Committee Inc applied for an On-site special licence on the 20 March 2025.

The application was for the ABF Saturday Party in the Park and a duration of 11.00am to 5.30pm with live music entertainment 1pm to 6pm.

The applicant advised that Allied Security have been engaged, with-12 staff for the event.

The area hosts a range of food vendors selling a variety of hot and cold food such as pizza, salads, whitebait patties, hot chips, and burgers.

The festival has expanded the food court area to accommodate a variety of international flavours with South African, Filipino, Indian, Japanese, and Thai cuisine all featuring at the event.

Vendors sell coffee and a range of soft drinks and other non-alcoholic beverages, and the applicant has advised that each vendor is encouraged to supply low alcohol.

Alcoholic beverages include beer, wine, spirits and cider sold in plastic cups or cans.

The applicant has over 40 years' experience in the event and hospitality.

## 2. Discussion:

### 2.1 Event Licensing History

The Sale and Supply of Alcohol Act 2012 was enacted on the 18 December 2012.

The 2013 Blossom Festival was the first under this new statute and the event in 2021 was cancelled due to Covid.

The applicant for the event has been issued with a sole overarching On-site Special Licence every year since 2013 except 2024.

The current district licensing committee has been appointed for three years, from 30 October 2023 to 30 October 2026

Each year approximately 70-90 special licences are considered by the DLC, with many being for small scale events. The only comparable event to the Blossom Festival being the Clyde Wine and Food Festival.

On the 2 April 2014 a decision hearing was held for special licence SP14020, by the applicant Promote Dunstan, Clyde Wine and Food Harvest Festival. Senior Sergeant Gordon Pay New Zealand Police and Ray Applegarth Licensing Inspector were in opposition to the granting of an Off-site special Licence on the grounds that S.42 was not complied with and had no opposition to the granting of an overarching On-site special Licence.

The Police submission stated:

**“In their evidence they stated that they do not oppose a licence being issued to the applicant for an On-site Special Licence because having a single licensee for a large-scale event is advantageous to the reporting agencies as there is accountability should offences be detected.**

**Police submitted that Sect 22(2) allows for a Special licence to be issued to an entity who supplies alcohol, as opposed to selling alcohol as it states, “On the premises a special licence designated as an on-site special licence is held for, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it.”**

**“The Inspector supported the Police interpretation of the Act with respect to who may hold Special Licenses for on and off-site consumption.” (see appendix 1 Hearing decision SP14020)**

In 2023 the Central Otago District Licensing Committee considered an application for an on-site special licence SP23150 applicant Old Cromwell Incorporated for the ‘Old Cromwell Wine and Food Festival 2 January 2024.

Police and MOH submissions were not opposed.

The DLC Chair Lyal Cox raised concerns over the ability to issue an overarching special licence for this event when the applicant was not selling and supplying any alcohol. (see appendix 2 DLC decision SP23150).

The DLC granted the application at that time on the basis that the timeframe was too short for the applicant to change previous practices and the need to review the process in order that the proceeds from the sale of alcohol are returned to the applicant. (see appendix 3).

Having regard to the advice from DLC Chair Lyal Cox, Central Otago Licensing Inspectors maintained a consistent approach regarding applications for overarching on-site special licences by event organisers who could not demonstrate 'selling and supplying' alcohol.

Clyde Wine and Food Festival 2024 organised by Promote Dunstan was the next large event in Central Otago. The applicant was issued an over-arching on-site special by virtue of including a sale of an alcoholic drink in the entry ticket purchase and every stall holder was granted individual on-site special licences, consistent with the requirements of the Act.

ABF 2024 was not issued an overarching on-site special licence because it did not demonstrate the sale and supply of any alcohol, all individual stalls were issued on-site special licences for the sale and supply of their own alcohol at this event.

## **2.2 On-site Special Licence application 2025-Alexandra Blossom festival Inc**

The application for the 2025 event is asking for a 'overarching' On-site special Licence for the organiser only.

The application contains a raft of alcohol management procedures and host responsibility policy consistent with previous events and the experience of the event organiser.

The alcohol management plan states that "admission cost is \$10 per person, and under 5 is free". "In 2024 the festival hosted 44 food and beverage sites, eight of which sold alcohol, 33 sold food and three coffee carts. The organiser anticipates a similar level of interest in 2025"

In addition to the application a supporting letter was received from the Alexandra Blossom Festival Committee ([appendix 4](#)).

In summary this letter states that the 2024 event the Blossom Festival Committee "had no knowledge of the conditions attached to each vendor's licence, nor any oversight of their compliance. We were unaware of whether each licence designated a licenced area or where those areas were located." The letter goes on to say, "a copy of the licence was not displayed for reference" and "police officers in attendance were unaware of the vendors licence conditions".

27 April 2025 a draft decision was issued by the Central Otago District Licensing Chair John Mann to grant the special licence on the basis that no reports in opposition had been received.

9 April 2025 Chief Licensing Inspector/Team Leader Wayne Boss provided further information to John Mann ([appendix 5](#)) regarding the Statutory Amendments Act 2016 as the agency reports did not appear to take this into consideration i.e.: S.22 of the Sale and Supply of Alcohol Act which was amended on 17 December 2016 to state:

*Where the holder of an on-licence or a club licence for any premises also holds a special licence designated as an on-site special licence for the premises, the holder can at a time when the sale of alcohol on the premises would otherwise be unlawful (whether by virtue of a provision of this Act relating to licensed premises or licensed premises of any kind, or by virtue of any condition subject to which the on-licence or club licence was issued) sell and supply alcohol, for consumption there, if it is sold or supplied—*

- a) to people attending an event described in the special licence; and*
- b) in accordance with the special licence.*

11 April 2025 the District Licensing Committee re-issued its decision declining the on-site special licence for the ABF. The committee commended the intent of the application,



confirmed that they are aware of other special licences issued for events that do comply with S.22(2) of the Act and encouraged the applicant to relook at this application.

22 April 2025 A meeting was held between Linda Ferrier, Alcohol Licensing Inspector CODC, Martin McPherson, Gordy Pay and Sharleen Stirling- Lindsay, Blossom Festival Committee to discuss the application. The principal that a special licence holder must sell and supply alcohol as per the 2016 amendment was discussed and the challenges of events with Special Licences, where 'work arounds' have been undertaken to meet the requirements of the Act, as special licences where no sales take place is more problematic.

It was agreed at this meeting that ABF would consider re-submitting the application and provide a covering letter regarding how the sale of alcohol will take place, to be reconsidered by the DLC.

The ABF requested that the DLC reconsidered the decision and hold a hearing, in consideration of– Westlaw commentary regarding s.144 of the Act and needing to consider s.202 allowing for natural justice.

28 April 2025 Letter from Blossom Festival Committee was received on the 22 May 2025 requested a hearing ([appendix 6](#))

### **2.3 Statutory Criteria:**

Sale and Supply of Alcohol Act (SSAA) 2012 S.28(b) confirms that body corporate can hold a special licence

SSSA 2012 S.22(2) states:

*On the premises a special licence designated as an on-site special licence is held for, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it.*

The Statutes Amendment Act 2016 S.87 amended S22(2) and (3) (Special Licences) and replaced the wording in both subsections from “sell or supply” to “sell and supply”.

Thomson Reuters Westlaw New Zealand commentary provides further clarity regarding this and states:

*“The effect of the amendments is to ensure that on-site special licences can only be issued where the licensee will sell and supply the licensee’s own alcohol. An on-site special will not legitimise BYO alcohol consumption nor the consumption of alcohol the licence holder has not sold as well as supplied, in order to avoid the consequences of consumption on otherwise unlicensed premises contrary to s.235”*

The effect of the amendments is to ensure that on-site special licences can only be issued where the licensees will sell and supply the licensees own alcohol. An on-site special will not legitimise BYO alcohol consumption nor the consumption of alcohol the licence holder has not sold as well as supplied.

### **2.4 Other approvals:**

The application was reviewed by Police and an email received from David Cowie 24/3/25 confirmed no opposition.

The application was reviewed by Aaron Whipp delegated by the Medical Officer of Health and an email received on the 26 March 2025 with no opposition.

The Licensing Inspectors report 27 March 2025; Fiona Boss raised no opposition.

### 3. Conclusion

A single over-arching on-site special licence for the applicant does not appear to meet the requirements of S.22 of the Sale and Supply of Alcohol Act 2012.

It is acknowledged that the issue of special licences for events across the country could be described as a “Kludge” Merriam-Webster Dictionary “a workaround or makeshift solution that is clumsy, inefficient” Oxford English Dictionary “an ill-sorted collection of poorly matching parts” “to fudge to fit together”

The agency reports, Police, MOH and Licensing Inspector should all have raised the 2016 amendment and the legality that a special licence can only be issued where a licensee will sell and supply the licensee’s own alcohol.

The applicants supporting letter which states “as no person can be supplied alcohol at this event without first purchasing an entry ticket from us, we are profiting from the sale and supply of alcohol at our event” does not constitute selling and supplying alcohol and cannot be considered an alcohol inclusive matter. The \$10 admission cost per person does not constitute the sale and supply of alcohol.

The applicants supporting letter raising concerns that “we had no knowledge of the conditions attached to each vendors licence, nor any oversight of their compliance and that no copies of the licence were displayed” is difficult to understand.

The event organiser could have required the eight on-site special licence holders to have provided their licences and any conditions on the licence, as part of the management of allowing vendors at the event as part of their agreement.

The licensing committee may also direct the licensee to display the special licence and any conditions as detailed in s.57(3) of the Sale and Supply of Alcohol Act 2012, to which the holder of the special licence must comply with.

This requirement was specified in the individual special licences that were issued to the holders of the licences in 2024 stating:

“A copy of the licence shall be prominently displayed within the licensed premises, as well as the name of the manager on duty, in accordance with the requirements of the Act”

I understand that the event was well run as confirmed in the police submission and that no known alcohol related issues were reported.

I support an overarching on-site Special Licence for this event that meets the requirements of S.22(2) SSAA.

There are many merits seen in respect to an overarching special licence for event management and control and it is recommended that the ABF are encouraged to revisit the application to consider how it might demonstrate it will sell and supply alcohol in accordance with the Act.

Any decision against the requirements of the Act may be precedent setting for other events and could be considered as ultra-vires.

Appendices:

Appendix 1: 2014 Hearing Special Licence application Clyde Wine and food Festival  
SP14020

Appendix 2: Special Licence decision SP23150 2023 Old Cromwell Incorporated  
Cromwell Town Wine and Food Festival regarding Special Licence.

Appendix 3: Email communications regarding Special Licence SP23150.

Appendix 4: ABF Supporting letter.

Appendix 5: email from Wayne Boss Chief Licensing Inspector to John Mann DLC Chair and  
attached guidance from Thomson and Reuter Westlaw commentary 2016  
amendment.

Appendix 6: ABF letter requesting hearing.

Wayne Boss

Chief Licensing Inspector

30 June 2025

## APPENDIX 1

**Decision for Special Licence****Licence Number SP14020****IN THE MATTER** of the Sale and Supply of Alcohol Act 2012**AND****IN THE MATTER** of an application by **PROMOTE DUNSTAN INCORPORATED** for a Special Licence pursuant to section 138 of the Act for **The Clyde Wine and Food Harvest Festival**. The location of the event is in the closed street area of Sunderland Street Clyde as identified on the plan attached to this decision.**BEFORE THE CENTRAL OTAGO DISTRICT LICENSING COMMITTEE**

Robert B McNeil (Chairman)  
Neil Gillespie  
Michael MacAvoy

**HEARING** at Alexandra on 2 April 2014**APPEARANCES**

Louise Joyce – advocate for applicant  
Ric Oram – assisting applicant  
Senior Sergeant Gordon Pay – New Zealand police – in opposition  
Ray Applegarth - Licensing Inspector, Central Otago District Council – in opposition

**DECISION****Background**

This is an application by Promote Dunstan Incorporated for a Special Licence to sell Alcohol at the Clyde Wine and Food Harvest Festival for both on-site and off-site consumption.

This festival has been held for the past 13 years with local wine growers from the Alexandra Basin promoting their products. In past years the Liquor Licensing Agency issued one licence to the festival organiser, Promote Dunstan to cover both the on and off sales however the Sale and Supply of Alcohol Act 2012 has placed a greater reliance and responsibility on both the licence holders and the District Licensing Committees to ensure the object of the Act is upheld.

The application was duly advertised and objections were received from the Medical Officer of Health, NZ Police, and the Licensing Inspector. Accordingly this hearing was convened to consider the application.

**The Applicant's Submission**

The applicant submitted that Promote Dunstan has not been refused an on-licence under the former legislation for its wine and food festival and the decisions to issue previous special licences were never contested nor ruled unlawful by either the Liquor Licensing Authority or the High Court. The applicant considered those decisions to be precedents upon which the committee can rely, and on which the group has reasonably relied in organising this year's

event. They submitted that nothing in the new act prevents the group from again being so licensed.

The applicant believes the on-site licence meets all of the criteria in sections 142, 143 and 147 of the Act which the committee must have regard to. The applicant noted that Section 22 of the Act makes it clear that special licences are for designated premises and does not require the licence to be held by the individual seller. The applicant commented that it is therefore unnecessary to require multiple licences for the one shared premises for one event.

The applicant noted that the Sale of Liquor Act, when passed in 1989, did not allow special licences for off-site sales; however Parliament considered this to be an omission so it passed an amendment 10 years later to allow off site sales. The Law Commission report in 2010 *Alcohol in our lives: Curbing the Harm* was quoted to state "It is clear, then, that parliament intended that takeaway sales should be permitted at such events as wine festivals."

The applicant submitted that the procedure for off-site sales means the group effectively is acting as a "distributor" and, therefore, can be granted such a licence. He noted that the Act does not define the term "distributor" but it relies in section 42 on the committee's opinion on the matter. The applicant considered that whilst the police do not consider the applicant to be a "distributor" they know of no legal requirement for a distributor to "be in business" or, indeed to make a profit, nor is there in law any impediment to acting as such for one day, one week or even one year. The applicant quoted the Collins Dictionary which says the word "distribute" means "to hand over or deliver"; the word "distribution" as "transporting...of goods from producer to consumer", and the word "distributor" as meaning "a middleman".

The applicant reminded the committee that the new act emphasises local policies and decisions by local committees and quoted Sir Geoffrey as saying: "I would expect significant regional variations, in how the law was enacted, to apply."

The applicant concluded with the comments that the principal reason for the Clyde festival is to provide exposure for small Alexandra basin producers who are principally, if not totally, manufacturers and because they are small, their wine is not readily available at retail outlets, therefore, festival-goers who like a wine they sample, often cannot find a bottle to buy elsewhere.

#### **The Police Submission**

NZ Police opposed the application of the grounds that Section 42 of the Act is not complied with.

In their evidence they stated that they do not oppose a licence being issued to the applicant for an On-site Special Licence because having a single licensee for a large scale event is advantageous to the reporting agencies as there is accountability should offences be detected.

Police submitted that Sect 22(2) allows for a Special licence to be issued to an entity who supplies alcohol, as opposed to selling alcohol as it states "*On the premises a special licence designated as an on-site special licence is held for, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it.*"

With respect to an Off-site Special Licence Police stated that the Sale of Liquor Act 1989 allowed off-sales to be made under a Special Licence due to an amendment to that section in 1999 to allow such sales to cater for wine festivals.

The Police quoted the history of the Law Commission's report to Parliament "Alcohol in our Lives - Curbing the Harm." with respect to trade fairs being distinct from other types of special licence as they would be the only type to allow "off- premises consumption".

It was also recommended that manufacturers and wholesalers of alcohol be granted this type of licence. Police stated that these recommendations were partially accepted by Parliament and the Off-site Special Licence was a result.

Police submit that Section 22(5) makes it clear that an Off-site Special Licence is intended for the sale of the Licence-holder's own alcohol. *(On the premises a special licence designated as an off-site special licence is held for, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it.)* and also referred to section 42(1) which they state makes it clear the law makers did not want retailers or any other person to have an Off-site Special Licence *(A special licence designated as an off-site special licence may be issued only to a person who (in the opinion of the licensing committee concerned) is a manufacturer, distributor, importer, or wholesaler of alcohol.)*

The Police referred to the Interpretation Act 1999 *(The meaning of an enactment must be ascertained from its text and in the light of its purpose)* and stated that whilst the applicant asserts they will be a "Distributor", as they intend storing alcohol purchased as an off-sale from stallholders, then distributing it to the purchaser at a later time, the word "Distributor", which is not defined in the Act has the Oxford dictionary meaning - *An agent who supplies goods to retailers.*

Police submit that having spoken to people in the retail trade this is the meaning of a distributor that prevails in the liquor industry, and backed up the view with results of an internet search.

Police discussed section 8 of the Act in relation to exemptions which they submit shows the type of business they did not want to have an Off-site Special Licence. Police consider the applicant's assertions that they are a distributor fail as they are intending to distribute alcohol to the patron, thereby assuming the role of retailer.

Police also acknowledged that section 19(1) of the Act recognises that a distributor may deal directly with the consumer in some circumstances and that a distributor or wholesaler of alcohol does not require to be registered or pay excise duties.

Police submit that the purpose and intent of the Off-site Special Licence is indicated by the very specific wording of Section 42 of the Act that off sales can be made from "trade fair" events (such as the Clyde Wine & Food Festival) but the privilege of holding such a licence is reserved for those whose business is the importing, wholesaling or manufacturing of the alcohol they intend selling.

Police submit that Promote Dunstan Incorporated is not in the business of distributing, importing, manufacturing or wholesaling alcohol which is reflected in their internet web site, and that the arrangement proposed by the Applicant does not qualify them as being a "distributor" as intended by Parliament and that Sect 19(2) of the Act does not assist them with this assertion.

Police submit that if the Committee was to accept the applicant's assertions, the result would be that in future applications any person could call themselves a distributor for the day, which clearly is contrary to the purpose of Sect 42.

In closing, Police submit the application for an Off-site Special Licence by Promote Dunstan should therefore fail.

#### **Medical Officer of Health Submission**

The Medical Officer of Health did not appear at the hearing, but in his absence Medical Officers of Health for Otago and Southland Dr Derek Bell and Dr Keith Reid provided a written submission opposing the issue of this licence.

Their written submission states that the reasons for their opposition were the availability of food and that the event organiser, not being a manufacturer, distributor, importer or wholesaler of alcohol, could not hold a special off-licence.

Food availability has since been addressed by the organiser and is no longer a reason for opposition; however they continue to oppose the application on the basis that the event organiser "Promote Dunstan" cannot hold a special off-licence as they do not meet the criteria specified in the Act (Section 42).

The MOH recommended that individual stall holders who wish to sell alcohol for consumption off-site must apply for special off-licences as per Section 42(2) of the Sale and Supply of Alcohol Act 2012, and they supported the Licensing Inspector's proposal that the event organiser apply for an overall on-licence.

The recommended that the event organiser should prepare an overall alcohol management plan that is shared with and used by the individual stall holders who will apply for off-licences.

#### **The Licensing Inspector's Submission**

The Inspector noted that Promote Dunstan Incorporated is a suitable entity to hold a Special Licence for on-sales but raised concerns regarding the legal ability of the society to hold a Special Licence for off-sales.

He raised no concerns regarding the event venue, hours of operation or host responsibility measures being put in place for the event.

He considered that the Duty Manager identified in the application, who holds a General Managers Certificate, has experience in managing this event and has done so in a responsible manner in the past.

The Inspector supported the Police interpretation of the Act with respect to who may hold Special Licences for on and off-site consumption.

The inspector referred to the concern raised by Police in their submission that the only part of Dunstan Hotel covered by the licence should be the front bar of the Hotel. He advised that this has since been confirmed by the hotel licensee and the plan identifying the licensed area for the event has been amended.

He noted that although Section 147 of the Sale and Supply of Alcohol Act 2012 identifies food as a discretionary condition for Special Licences with no requirement for alignment with particular licensed hours, the applicant has indicated they will address this issue as it is a concern raised by the Medical Officer of Health.

The Licensing Inspector recommended;

1. That the District Licensing Committee grant a Special Licence, to Promote Dunstan, for the "Clyde Wine & Food Festival", for on-site sales only.
2. That the District Licensing Committee require Promote Dunstan Incorporated to ensure each stall holder selling alcohol obtain their own Special Licences for off-site sales.

#### **Conclusion and Reasons for the Decision**

In addition to consideration of the criteria for the issue of special licences under section 142 of the Sale and Supply of Alcohol Act 2012, the committee members must turn their minds to whether Is it legal under the Act for Promote Dunstan incorporated to hold a Special Licence for the both on-site and off-site consumption, or whether individual stall holders should hold individual special licences for off-site sales.



In considering the application for an **on-site special licence** the committee notes that:

There was no opposition from the reporting agencies in respect to Dunstan Promotion Incorporated holding a special licence for the purpose of on-site sales of alcohol.

The police have supported the proposal as they believe section 22(5) of the Act enables the issue of a single licence to Promote Dunstan as the supplier of alcohol at the event, and that having a single licensee for a large event is advantageous to the reporting agencies as there is accountability should offences be detected within the licensed area.

The committee believes that Promote Dunstan Incorporated is a suitable entity under section 28(1) of the Act to hold a special licence and is permitted to hold a special licence for on-site sales or supply.

The committee notes that this year the applicant is restricting wine sales to "by the glass" only and there will be no bottle sales for consumption on the site. The committee considers this will assist in the responsible management of alcohol consumption and that it is appropriate to apply a condition to this effect.

The committee notes that the Dunstan Hotel will also have their front bar open for the purpose of selling beer on tap, low alcohol beer, cider and soft drinks and acknowledges that the hotel will assist the operation of the event by providing seating and toilets for festival attendees. The application states that the back bar and garden bar will be closed and there will be no sale of bottled beer, wine, spirits or ready to drink mixtures from the hotel, and the display of these products will be covered. It is appropriate to apply conditions to this effect.

With respect to the submission by the Medical Officer of Health, the committee is satisfied that the Risk Management Plan prepared by the applicant addresses alcohol management issues.

In considering the section of the application for an **off-site special licence** the committee considers that:

The provision for off-site special licences is particularly restricted by section 22(5) as being for the sale of the licensee's alcohol, for consumption somewhere else, to people attending an event.

The committee believes that in the circumstances of this event, Promote Dunstan Incorporated, the licensee for the event, cannot claim it is their alcohol which is being offered for sale and therefore do not meet the criteria of section 22(5) of the Act to hold an off-site special licence.

In considering Promote Dunstan Incorporated as a distributor the committee notes that whilst the applicant considers that they will be a "Distributor" for the period of the licence as they intend storing alcohol purchased as an off-sale from stallholders, then distributing it to the purchaser at a later time, that is not the ordinary meaning of the word distributor and nor, in the opinion of the committee, is it the intention of the Act.

The committee has concluded therefore that stall holders must hold individual special licences for off-site sales.

### **Decision**

We are satisfied as to the matters to which we must have regard as set out in Section 147 of the Act and **approve the issue of an on-site Special Licence** for consumption on the premises to Promote Dunstan Incorporated.

The licence is subject to the following conditions;



- a) The licensee must have available for consumption on the premises, at all times when alcohol may be sold under the licence, a reasonable range of non-alcoholic refreshments, low-alcohol beverages.
- b) Free drinking water must be visibly available at all stalls selling alcohol.
- c) Alcohol may be sold under the licence only on the following days and during the following hours:  
**Sunday 20 April 2014 from 10.30 am to 4.30 pm**
- d) A range of substantial food shall be available throughout the term of the licence.
- e) The availability of the courtesy coach service shall be advertised accordingly.
- f) The duty manager (Adrienne Taylor) shall instruct or otherwise provide information to all stall holders to ensure that the object of the Act is upheld and that there are no alcohol sales to prohibited persons.
- g) BYO alcohol is prohibited. Security is to conduct appropriate searches as the patrons enter the site.
- h) Serves of wine are restricted to 15ml for tastings and glass serves are not to exceed 150ml. There shall be a maximum of two glass serves per person in any one transaction.
- i) Only patrons wearing a festival issued wrist band and presenting a festival issued wine glass are to be served wine. Beer may be sold in the vessels provided at the stall.
- j) There must be no bottle sales of either wine or beer for on-site consumption.
- k) A copy of the licence shall be prominently displayed adjacent to the entrance, along with the name of the manager on duty, in accordance with the Act.
- l) The back bar and garden bar of the Dunstan Hotel will be closed and there will be no sale of bottled beer, wine, spirits or ready to drink mixtures from the hotel, and the display of these products will be covered.

We are not satisfied that the application meets the requirements of the Act in respect to the ability for Promote Dunstan Incorporated to hold an off-site special licence, and therefore the objections of the New Zealand Police, Medical Officer of Health and the District Licensing Inspector are upheld and **the application for an off-site special licence is declined.**

Dated at Alexandra this 7<sup>th</sup> day of April 2014

Robert B McNeil  
Chairman  
Central Otago District Licensing Committee

**Appendix 2. Decision SP23150 2023**

Application No. SP23150 2023

**IN THE MATTER**

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

**AND****IN THE MATTER**

of an application by **OLD CROMWELL  
INCORPORATED** situated at  
**McNULTY HOUSE GROUNDS, 40-42  
INNISCORT STREET, CROMWELL**  
pursuant to s.137 of the Act for a special  
licence.

**BEFORE THE DISTRICT LICENCING COMMITTEE****APPLICATION**

1. An application for a Special Licence was filed by the Old Cromwell Incorporated on 15<sup>th</sup> November 2023, for an event to be held at McNulty House, 40-42 Inniscort Street, Cromwell. The event to be licensed is the 'Old Cromwell Wine & Food Festival'. It was considered in accordance with s.191(2) and s.142 of the Act.
2. The Applicant seeks licensed hours from 3.00pm to 8.00pm on Tuesday 2<sup>nd</sup> January 2024.
3. The licensed area is as shown on the plans in the application. There will be no designation.
4. Barbara Emmitt (a qualified and experienced duty manager) will ensure there are adequate staff available to assist. Staff will be monitoring patrons and two security staff will be employed managing entry and exit of the event. Cromwell Cabs information will be available and committee members will be available to drive people home if required.
5. The application is sought to sell beer, and wine. There will be a limit of two drinks per transaction, and no bottle sales. Mobile food stalls will provide a range of food.
6. No reports with matters in opposition were filed by the Police or the Medical Officer of Health. The report from the Inspector was not unfavourable. No public hearing is necessary and the application is dealt with on the papers.

**DECISION**

7. The Committee has considered the criteria in accordance with s.142 of the Act and grants the issue of the licence, with the conditions as proposed by the Inspector.

**DATED** at Wanaka this 28<sup>th</sup> day of November 2023.



L.A. Cocks  
Commissioner  
Central Otago District Licensing Committee

**Wayne Boss**

---

**From:** Linda Ferrier  
**Sent:** Wednesday, 29 November 2023 12:06 pm  
**To:** [REDACTED]  
**Subject:** SP23150 - Special licence for Cromwell Wine & Food Festival

Hello [REDACTED]

I've forwarded your special licence application to the District Licensing Committee chairperson.

He came back wanting to double check that Old Cromwell Incorporated is taking responsibility for the businesses selling wine for on-site consumption and how Old Cromwell Inc go about receiving the revenue directly from the sale of alcohol for consumption on site?

The holder of a special licence is the entity that needs to receive the revenue from the sale and supply of alcohol. I'm aware that some organisers set it up so that the attendees buy drink tokens (taste, half glass, full glass etc) from the event organisers at the entrance and then the attendees hand those to the stall holders.

At the end of the event each stall holder receives payment for wine supplied from the organiser based on the number of tokens.

As I've not been involved previously in how you manage this, can you please confirm by email so I can let him know.

Thanks

Kind regards,

**Linda Ferrier**  
**Environmental Health Officer**



+64 21 783 860  
Linda.Ferrier@codc.govt.nz  
1 Dunorling Street, Alexandra 9320  
www.codc.govt.nz

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**Wayne Boss**

---

**From:** Linda Ferrier  
**Sent:** Thursday, 30 November 2023 12:24 pm  
**To:** [REDACTED]  
**Subject:** SP23150 - Cromwell Wine & Food Festival

Hi [REDACTED]

Just confirming my phone message, that the District Licensing Committee have agreed to sign off the special licence as it is this time around.

Going forward they will be wanting to see the money going from the sale of wine to the holder of the special licence.

So good they have given time to get it sorted for next year and I'll also get in touch with the organiser of Clyde Wine & Food festival.

I should get the licence to you by tomorrow and must say I'm very relieved.

Kind regards,

**Linda Ferrier**  
Environmental Health Officer



+64 21 783 860  
Linda.Ferrier@codc.govt.nz  
1 Dunorling Street, Alexandra 9320  
www.codc.govt.nz

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## Appendix 4. Supporting Letter, ABF

Letter of Application for Over-Archiving On-Site Special Licence

Alexandra Blossom Festival Contact Saturday in the Park 2025 event

To Whom It May Concern,

### Background

The Alexandra Blossom Festival Committee Inc. is applying for an over-arching on-site special licence for the Contact Saturday in the Park 2025 event. Until 2024, this was the standard practice, allowing us to maintain control over the sale and supply of alcohol at this highly popular public event. However, in 2024, we were informed that we could not apply for a licence, and instead, individual vendors were required to obtain their own on-site special licences.

As a result of this change, we had no knowledge of the conditions attached to each vendor's licence, nor any oversight of their compliance. We were unaware of whether each licence designated a licensed area or where those areas were located. Additionally, we had no input in determining age-restricted areas, making it unclear whether such zones were in place.

In 2024, one vendor advertised on Facebook that they were selling vodka "jelly shots" at the event—an activity we would never approve of. Police officers in attendance were unaware of the vendor's licence conditions, and the licensee themselves had no clear understanding of their obligations. A copy of the licence was not displayed for reference, and enforcement agencies did not intervene. The sale of jelly shots was only halted when we informed the licensee they could be removed from the event if they did not comply. This situation was unsatisfactory for both the organisers and the licensee.

By having a single licensee for the event, we can ensure:

- Compliance with all licence conditions,
- Oversight by a single duty manager,
- The ability to monitor vendor adherence to regulations,
- Authority to suspend non-compliant vendors if necessary,
- A single point of contact for enforcement agencies, ensuring clear accountability.

We have not received any information regarding the 2024 licences so to this day are unaware of the conditions and licensed areas. However, if all were on-site special licences, each should have had a designated licensed area. If such areas were not clearly defined and particular to the individual licence, this would constitute a breach of Section 25 of the Act. Furthermore, if each licence did have its own defined licensed area, patrons were permitted to take alcohol into the seating and grassed areas in front of the main stage. This means individual vendors will have breached their licence conditions. Enforcement agencies did not actively monitor this. However if they did, it would have been difficult to identify the responsible licensee or duty manager to hold accountable for any breaches.

The Alexandra Blossom Festival Committee Inc. does not permit vendors at this event to hold an off-site special licence.

We are still unclear as to why control over alcohol sales at our own event was removed, which is why we are submitting this application.

**Legislative Compliance**

We believe we are eligible for a licence under:

Section 28(1)(b): An incorporated society is recognized as a body corporate.

Section 22(2): "On the premises a special licence designated as an on-site special licence is held for, the licensee can sell and supply alcohol, for consumption there, to people attending an event described in it." As no person can be supplied alcohol at this event without first purchasing an entry ticket from us, we are profiting from the sale and supply of alcohol at our event.

**Commitment to a Safe and Family-Friendly Event**

The Contact Saturday in the Park 2025 event is a family-friendly event where alcohol consumption is not the primary attraction. We have had no issues with intoxication, disorder, or other alcohol-related harm. Furthermore, the Contact Saturday in the Park 2025 event does not contribute to post-event disturbances in the community and never has.

**Conclusion**

Under Section 3 of the Act, the purpose of the legislation is to "benefit the community as a whole" and to ensure that alcohol regulation is "reasonable." We propose that allowing us to control alcohol sales at our event is a reasonable approach that aligns with the broader community interests in Alexandra. This structure ensures responsible alcohol management, enhances public safety, and maintains the integrity of our event.

Sincerely,

The Alexandra Blossom Festival Committee Inc.

**Appendix 5. Email & attachment****Wayne Boss**

---

**From:** Wayne Boss  
**Sent:** Wednesday, 9 April 2025 9:26 am  
**To:** [REDACTED]  
**Subject:** Blossom festival  
**Attachments:** SASA 2016 amendment.pdf

Good morning, [REDACTED]

Thought I would just send a quick email before a phone chat

I respect your decision, and an addendum note would be great if this remains the DLC's decision position

I must apologise that the licensing inspectors report did not raise any opposition, that was simply an oversight due to no knowledge or background in this event or previous event decisions having only been with Council a short time

The attached Thomson and Reuter Westlaw commentary of the 2016 amendment and special licences should have been included by the licensing inspector.

I understand that this event is unique, longstanding and the applicant has great experience, but I cannot see how this is legally correct when the licensee will not be selling and supplying the licensees own alcohol

Happy to call and chat

Cheers

**Wayne Boss****Environmental Health Team Leader**

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Wayne.Boss@codc.govt.nz  
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www.codc.govt.nz

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1—212 (15/7/20)  
SA22.03

#### *Sale of Alcohol*

or sample, for consumption on the premises described in the off-site special licence. In this respect, an off-site special licence mirrors the tasting provisions of an ordinary off-licence: see s 17(2).

#### SA22.04 BYO alcohol consumption

A special licence does not authorise the consumption of BYO alcohol on the premises covered by it.

#### SA22.05 Subsections (2) and (3) — sale and supply

Subsections (2) and (3) were amended on 20 December 2016 by the Statutes Amendment Act 2016. The amendment changed the words in both subsections from “sell or supply” to “sell and supply”.

The effect of the amendments is to ensure that on-site special licences can only be issued where the licensee will sell and supply the licensee’s own alcohol. An on-site special will not legitimise BYO alcohol consumption nor the consumption of alcohol the licence holder has not sold as well as supplied, in order to avoid the consequences of consumption on otherwise unlicensed premises contrary to s 235.

#### SA22.06 Section not a gateway

Unlike s 32 (for off-licences), this section is not a gateway for determining whether or not an event is genuine, or contrived and ineligible: see *Cambridge Raceway Ltd v Medical Officer of Health* [2019] NZARLA 116 at [107].

#### SA22.07 Off-site restrictions — subsection (5)

Subsection (5) restricts those persons able to obtain an off-site special licence to those persons (licensees) who can sell Licensee’s alcohol, as defined in s 5 of the Act. This is a restrictive category of certain merchants in the alcohol industry — alcohol

- manufacturers
- distributors
- importers
- wholesalers

and enables them to sell their alcohol at festivals. See *Re U M Holdings Ltd* [2020] NZARLA 84 at [58]–[74].

### 23 Limitation on effect of sections 14 to 22

Nothing in any of sections 14 to 22 authorises a person to do a thing forbidden by some other provision of this Act, or to fail to do a thing required by some other provision of this Act.

#### Synopsis

This section makes it clear that while the preceding ss 14 to 22 are general authorisations describing what the licensees of particular licences may do pursuant to the licence, those provisions are nevertheless in all respects subject to the other provisions in the Act, whether they are prohibitions, restrictions or requirements. In short, the generality of ss 14 to 22 is subject to the specific provisions relating to those various licences elsewhere in the Act.

### 24 No obligation to serve

- (1) A licence does not oblige its holder—
  - (a) to deliver, sell, or supply alcohol at any time or to any person; or
  - (b) to let any person consume alcohol at any time on the premises the licence is issued for.
- (2) Subsection (1) is subject to the Human Rights Act 1993.

Compare: 1989 No 63 ss 15, 38, 61, 81



ID 2481188

28<sup>th</sup> April 2025

The Secretary  
Central Otago District Licensing Committee  
1 Dunorling Street  
Alexandra

Dear Sir,

(SP25039)

The Alexandra Blossom Festival Committee Inc recently made application for a special licence (SP205039). The application was considered by the Committee which availed itself of s.144(5) of the Act and declined to grant the issue of a licence.

We respectfully submit that the Committee has erred in its use of s.144(5) without holding a public hearing, for the following reasons –

- In the decision, the Commissioner states he has received further information from the Inspector. We have not been provided with a copy of this information and believe this may be in breach of s.141(6).
- The Commissioner also states, "The Committee is aware of special licenses issued for other similar events that do comply with s.22(2) of the Act". We are not able to identify the events referred to and have had no relevant information provided to us by the reporting agencies.
- We believe the failure to provide us with information used when considering our application is a breach of natural justice.
- We further submit that not allowing us to be heard on the information in question is also a breach of natural justice.
- We also believe we should have had the opportunity to address the Committee directly in support of our application and by not offering us that chance there has been a breach of natural justice.
- We note the Westlaw commentary around the use of s.144 states: "*In the circumstances set out in (3) and/or (5) above, the rules of natural justice apply.*" ..... "*A Committee could not refuse an application without giving the applicant an opportunity to be heard — most likely in a hearing.*"

We are requesting the Committee re-hear the application pursuant to its power under s.201(4) so we may be provided with the information they used in the decision and have an opportunity to make submissions on that. We also wish the chance to discuss with the Committee other special licence events using similar licence structures to the one we seek.

We acknowledge our option to appeal the decision to ARLA, but our appeal would be based only on the above grounds and our desired outcome would be for the matter to be re-heard by the DLC. This avenue seems to be a waste of time and money for us and Council as, we believe, it is highly likely such an appeal would be successful and would result in the same outcome – i.e. a public hearing into the application.

Yours Sincerely,

Sharleen Stirling-Lindsay  
Chair  
Alexandra Blossom Festival Committee Inc.



**Before the CENTRAL OTAGO DISTRICT LICENSING COMMITTEE**

**AND**

**IN THE MATTER** of an application by the **ALEXANDRA BLOSSOM FESTIVAL COMMITTEE INCORPORATED**, pursuant to s.137 and S 142(1) of the Act, for a special licence to sell and supply alcohol as part of an event known as the **ALEXANDRA BLOSSOM FESTIVAL – 2025**.

---

**SUBMISSION OF THE MEDICAL OFFICER OF HEALTH DELEGATE**

**Aaron Whipp**

---

**2025**



**May it please the Committee:**

## **1. INTRODUCTION**

1.1. This submission is filed by the Medical Officer of Health delegate, Aaron Whipp on behalf of Health in relation to the above application.

1.2. I hold a Bachelor of Science: psychology, Postgraduate Diploma Education in Child and Family psychology, Postgraduate Diploma psychology specialising in psychopharmacology, addition and behavioural modifications and a Public Health Certificate.

1.3. I am employed by the National Public Health Service, a division of Health New Zealand Te Whatu Ora. My role is Health Promotion Officer (Compliance), and I have been in this position since 2015.

1.4. In front of the committee is the application from the Alexandra Blossom festival committee, which seeks a special on-licence under section 137 of the *Sale and Supply of Alcohol Act 2012* ("the Act") for the purposes of the annual Alexandra Blossom Festival, to be held at Pioneer Park on Saturday, 27 September 2025.

1.5. The Medical Officer of Health delegate does **not oppose** the granting of this application. Furthermore, this submission is provided to assist the Committee in its deliberations under the applicable provisions of the Act

1.6. Today I will be calling witnesses: Alannah Smyth to discuss her observations on a purposed model and Stephanie Bekhuis-Pay to discuss her years of monitoring the festival on the applicants proposed model from Te Whatu Ora.

## **2. RELEVANT LEGISLATIVE FRAMEWORK**

2.1. The application is for a special licence, and as such is determined in accordance with section 142 of the Act.



2.2. Section 142(1) provides that, in deciding whether to issue a special licence, the licensing committee must have regard to the criteria set out in section 142 *with all necessary modifications*.

2.3. Section 142(1) of the Sale and Supply of Alcohol Act 2012 sets out the criteria that the licensing committee must consider when deciding whether to issue a special licence.

The key criteria in section 142(1) are:

(1) In deciding whether to issue a special licence, the licensing committee concerned must have regard to the following matters:

(a) the object of this Act:

(b) the nature of the particular event for which the licence is sought and

—

(i) whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and

(ii) whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:

(c) the suitability of the applicant:

(d) any relevant local alcohol policy:

(e) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence:



- (f) the days on which and the hours during which the applicant proposes to sell alcohol:
- (g) the design and layout of the premises concerned:
- (h) whether the applicant has appropriate systems, staff and training to comply with the law:
- (i) any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas:
- (j) any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed:
- (k) the applicant's proposals relating to—
  - (i) the sale and supply of non-alcoholic drinks and food; and
  - (ii) the sale and supply of low-alcohol drinks; and
  - (iii) the provision of help with or information about alternative forms of transport from the premises:
- (l) any matters dealt with in any report from the Police, the Medical Officer of Health, or an inspector made under section 141.

2.4. The **object of the Act**, set out in section 4, is:

- (a) That the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- (b) That harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

### 3. APPLICATION OF LAW TO FACTS



- 3.1. The applicant proposes a licensing model where a **single overarching licensee** holds the special licence for the entire event, with individual alcohol vendors operating under the authority of that licence.
- 3.2. In the view of the Medical Officer of Health, this approach is **preferable** and more likely to achieve the **object of the Act**. It ensures:
- (a) Centralised oversight by a **designated Duty Manager**;
  - (b) Uniform compliance with the licence conditions across the site;
  - (c) Clarity for enforcement responsibilities for agencies
  - (d) A clear and direct mechanism to address non-compliant vendor behaviour
- 3.3. By contrast, requiring each vendor to obtain an individual special licence could:
- (a) Undermine event-wide control and monitoring;
  - (b) Lead to inadvertent breaches by patrons unaware of restricted movement between separately licensed areas; and
  - (c) Obscure accountability in the event of non-compliance or harm.
- 3.4. The structure proposed is consistent with public safety, amenity, and responsible alcohol management. The event has a demonstrable record of being **family-friendly**, with only isolated and low-level intoxication observed historically. Previous events have concluded without significant disorder or harm.

#### 4. CONCLUSION

- 4.1. Health is satisfied that the applicant is a **suitable entity**, with appropriate systems in place to uphold the **object of the Act**, and that the proposed model supports responsible management of alcohol at this event.



- 4.2. Accordingly, while not opposing the application, Health respectfully submits that the Committee may be satisfied that the application meets the **criteria set out in section 142**, and that the licence may appropriately be granted subject to standard conditions.
- 4.3. Health is in support of the special licence application submitted by **Alexandra Blossom Festival Committee**, which was filed in accordance with the statutory timeframe under Section 137(1) of the *Sale and Supply of Alcohol Act 2012* and nonetheless declined by the District Licensing Committee.
- 4.4. Health respectfully submits that declining the application despite full compliance with the statutory timeframe may be inconsistent with the intent of the Act, which supports the regulation—not prohibition—of responsible alcohol supply at events. In health's view, the public health risk is better mitigated by granting an overarching licence with enforceable conditions

**DATED 4th day of July 2025**

A handwritten signature in black ink, appearing to read "Aaron Whipp".

**Aaron Whipp**

BSccpsyc, PGDipED, PGDippsyc, ANZMHA

Delegate of the Medical Officer of Health  
National Public Health Service Southern





Before the CENTRAL OTAGO DISTRICT LICENSING COMMITTEE

**UNDER**

the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application pursuant to s 137 for  
the issue of **special licence SP25039**  
in respect of the event situated at  
**Pioneer Park** and known as the  
**Alexandra Blossom Festival 2025**

---

**Brief of Evidence**

**Alannah Efflan Smyth**

---

**2025**

**May it please the Committee:**

**Introduction**

- [1] My full name is Alannah Efflan Smyth.
- [2] I have a Bachelor of Science and a Certificate of Public Health.
- [3] I am employed by the National Public Health Service, an arm of Health New Zealand Te Whatu Ora. My role is Health Promotion Officer (Compliance), and I have been in this position since May 2022. I am delegated to perform the functions of the Medical Officer of Health under s.151 of the Sale and Supply of Alcohol Act 2012.
- [4] My usual area of work is within the Queenstown Lakes District, however from time to time I assist in the Central Otago region with reporting and monitoring.

**Evidence**

- [5] I have been requested to provide evidence of my recent experience monitoring the Clyde Wine and Food Festival on Sunday 20 April 2025 — an event where multiple vendors (wineries and breweries) were selling alcohol.
- [7] Each vendor had applied for and obtained their own separate on-site special licence to be able to sell alcohol to the public to consume at the event. This meant that each vendor had their own bar/POS, their own nominated manager on duty, and their own licensed area where the sale, supply and consumption of alcohol could take place. The festival organisers had also obtained an on-site special licence for the areas within the event site which weren't already covered by a licence held by one of the wineries or breweries.

- [8] When I arrived at the event, I observed that none of the licensees had anything in place to delineate their own licensed areas, and nothing to prohibit patrons entering or exiting the area with alcoholic drinks. Patrons were permitted to purchase their drinks from any licensee and then leave that licensed premises and roam throughout the event while consuming it. This appeared to me to be in contravention of section 247(1)(c) of the Act.
- [9] In addition to this, all wine was being sold poured into a generic souvenir glass that was provided to patrons on entry. There were no branded cups or other ways to know which winery had supplied the drink to the patron. This, coupled with the fact that patrons were allowed to leave the licensed premises with their alcohol, made it very difficult to know who would be responsible for any consequent breaches of the Act that might be observed, such as allowing a person to become intoxicated (s.249), or the sale of alcohol to an intoxicated person (s.248).
- [10] As an example, on a number of occasions I witnessed patrons walking through the crowds with three beverages in hand. The maximum number of serves permitted by each on-site special licence was two. As the patrons had been permitted to leave the licensed premises' where they were sold the alcohol, it was not possible to know which licensees had made the sales to follow up on these apparent non-compliances.
- [11] I also witnessed influenced and intoxicated younger patrons who were drinking. The drinks had been poured into the generic glasses, and they hadn't been made to stay within the licensed area of where they had purchased the drinks. They had gathered in a central area close to the stage/music. I could not tell which licensee had sold them the alcohol to discuss this with the duty manager. Even if I could have, the patrons had been allowed to move on from the licensed area for which the duty manager was responsible. It would not be possible to ask the manager to leave this area to assess and manage the patrons.

- [12] Following my monitoring of the event, I concluded that the licensing structure contributed to breaches of the Act. Specifically, licensees were not required to clearly delineate and actively manage their own licensed areas. It is my opinion that this resulted in numerous breaches of section 247(1)(c) by allowing patrons to remove alcohol from the licensed premises. Additionally, the structure posed significant challenges for the Agencies in verifying compliance with licence conditions and in identifying which licensee was responsible for any breaches or issues that occurred so that they could be addressed directly.

**End**

Dated at Queenstown this 3rd day of July 2025



.....

A E Smyth

Delegated Functions of the Medical Officer of Health

Health New Zealand – Te Whatu Ora, National Public Health Service



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

**AND**

**IN THE MATTER** of an application by the **ALEXANDRA BLOSSOM FESTIVAL COMMITTEE INCORPORATED**, pursuant to s.137 of the Act, for a special licence to sell and supply alcohol as part of an event known as the **ALEXANDRA BLOSSOM FESTIVAL – 2025**.

---

**Brief of Evidence**

**Stephanie Anne Bekhuis-Pay**

---

**2025**

**May it please the Committee:****Introduction**

1. My name is Stephanie Anne Bekhuis-Pay.
2. I am currently employed by the National Public Health Service of Health New Zealand, Te Whatu Ora as an Enforcement Officer with portfolios in Tobacco and Vaping, Alcohol Compliance with Delegated Functions of the Medical Officer of Health SASAA 2012.
3. I have worked as a Health Promotion Officer (Compliance) for over 10 years.
4. I hold delegated authority to carry out the functions of the Medical Officer of Health under Section 151 of the Sale and Supply of Alcohol Act 2012.
5. Over the past ten years, I have regularly monitored the Alexandra Blossom Festival in my capacity as an Alcohol Compliance Officer. The festival has been a significant public event in the Central Otago region for more than 60 years and consistently attracts large crowds, including families and young people. A critical aspect of my role has been ensuring that the sale and supply of alcohol is managed safely and responsibly, in accordance with the Sale and Supply of Alcohol Act 2012.
6. From the time I began overseeing the festival until 2023, the event operated under a single special licence held by the festival organisers. Under this centralised model the festival committee was responsible for the overall management of licensed activities, including the appointment of a duty manager who remained on-site throughout the event.
7. Each year I would meet with the appointed duty manager either prior to or during the event. Together we conducted compliance checks at all alcohol-serving stalls. These inspections included verifying the availability of free and accessible drinking water, ensuring all required signage (e.g., alcohol-free areas, host responsibility information) was correctly displayed, and observing the conduct of staff and patrons.
8. Minor compliance issues, when identified, were promptly addressed by the duty manager. The cooperation and responsiveness demonstrated under this centralised model were consistently high and contributed significantly to the event's safe operation.
9. As an example of the effectiveness of this management structure, in 2017 I received a message from the duty manager at the time, Damian Black. He expressed frustration that one of the breweries had continued to sell alcohol after the licence had expired. He took immediate action and instructed them to cease all sales.

10. Appendix 1:

11. This incident supports the position that having a single overarching duty manager and one licence holder is a more effective approach to ensuring compliance.
12. Throughout my years of monitoring the festival, I found it to be well-managed from an alcohol compliance perspective. I did not observe intoxicated individuals or incidents involving minors being served or consuming alcohol. The centralised licensing model was effective in creating a safe, controlled, and family-friendly environment.
13. In 2024, however, the licensing structure changed. For the first time individual alcohol vendors were required to apply for and operate under their own special licences. This meant that the festival organisers were no longer the sole licensee responsible for alcohol sales, and no central duty manager was appointed to oversee alcohol compliance across the site.
14. At the time of the 2024 festival, I was temporarily seconded to Smokefree Enforcement duties full-time and was not actively monitoring alcohol matters at the event. However, I became aware—via a Facebook advertisement—that one of the attending breweries was promoting the sale of jelly shots.

15. Appendix 2

16. The promotion and sale of jelly shots are inconsistent with the intent and requirements of the Sale and Supply of Alcohol Act 2012, which prohibits promotions likely to encourage excessive or inappropriate consumption of alcohol, and any promotions which are likely to have special appeal to minors. This type of irresponsible promotion would likely not have occurred under the previous centralised licensing model.
17. The absence of a central duty manager and a single licence holder under the new licensing regime created a fragmented oversight structure. As a result, enforcement officers such as myself, Police, and Licensing Inspectors have no clear point of contact for addressing compliance concerns across the site, making coordinated management significantly more difficult.
18. In comparison, the previous single-licence model allowed the regulatory agencies to liaise directly with a designated duty manager, who had the authority to ensure consistent application of host responsibility measures and to resolve issues quickly and effectively.

---

## Conclusion

19. Based on my extensive professional experience monitoring the Alexandra Blossom Festival, I strongly support a return to the previous model, where the festival organisers hold a single special licence supported by a designated duty manager.
20. This centralised approach has consistently demonstrated effective alcohol management, provided clear lines of accountability, enabled strong communication with the regulatory agencies, and upheld the safety and integrity of the event.
21. In contrast, the decentralised licensing model used in 2024 revealed gaps in oversight and allowed at least one instance of irresponsible alcohol promotion to occur—something that would likely have been identified and addressed under the centralised system.
22. Having regard to the purpose and object of the Sale and Supply of Alcohol Act 2012, I submit that declining this licence would not benefit the community as a whole, would not support the safe and responsible sale, supply, and consumption of alcohol, and would not help minimise the harm caused by excessive or inappropriate alcohol consumption. Such an outcome would not be reasonable or consistent with the intent of the Act.
23. To safeguard public safety, maintain responsible alcohol service, and preserve the family-friendly nature of this iconic community event, I recommend the reinstatement of a single special licence held by the festival organisers.



## Appendix 1

### Blossom Festival 2017 report

#### Security

No issues occurred and no problems were encountered during the day.

The parade escort on bike went well and no incidents during the parade or on the roadway were reported.

#### Gates

All functioned as expected and no incidents occurred. A number of vehicles arrived late which included musicians with equipment and were escorted into the grounds as well as out from at later times.

A suggestion is that in future either a vehicle gate be erected near the stage or access be restricted after gates have opened to the public.

#### General Patrons

No problems occurred other than lost children which were resolved quickly.

#### Liquor Licencing

The stall holders were each given a copy of the special licence, a letter explaining their responsibilities, and signage for each stall.

No incidents of sales other than approved by the licence were witnessed.

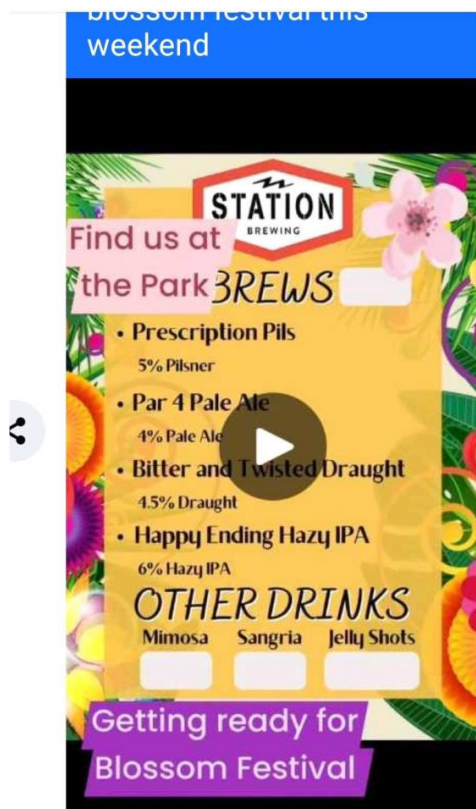
All stall holders were advised of the close of sales to be 5.30pm between 5pm and 5.20pm and all closed at this time.

One operator was witnessed supplying alcohol to a patron at 5.40pm, Wanaka Beerworks, and were told to shut off all beer systems immediately. The manager, Mike, stated he was not charging for the drink and thought this was OK. He was reminded to re-read the Sale and Supply of Alcohol Act 2012. A picture of the offender is below. The weather was mild and the sales of alcohol were steady but not high leading to moderate consumption of alcohol. No incidents of intoxication causing concern were noted



## Appendix 2

Active 1 hour ago



Station Brewing  
Facebook

### Stephanie Bekhuis-Pay

Enforcement Officer | Tobacco | Vaping | Alcohol Compliance | Delegated Functions of Medical Officer of Health SASAA 2012  
National Public Health Service | Southern | Te Waipounamu  
Waea pūkoro: +64 274363735  
Stephanie.bekhuis-pay@tewhatuora.govt.nz

[TeWhatuOra.govt.nz](https://www.tewhatuora.govt.nz)

Waea pūkoro: +64 27 4363 735

**Te Kāwanatanga o Aotearoa**  
New Zealand Government

**BEFORE THE DISTRICT LICENSING COMMITTEE  
AT ALEXANDRA**

**IN THE MATTER OF**     The Sale and Supply of Alcohol Act  
   2012

**AND**

**IN THE MATTER OF**     An application by **ALEXANDRA  
   BLOSSOM FESTIVAL  
   COMMITTEE INCORPORATED**  
   for a special licence in respect of  
   premises situated at Pioneer Park,  
   Alexandra, for the event known as  
   “Alexandra Blossom Festival”

---

**SUBMISSIONS ON BEHALF OF THE APPLICANT**

---

**MACTODD LAWYERS**  
Barristers, Solicitors, Notaries  
2/26 Hawthorne Drive, Frankton  
Queenstown 9300  
P O Box 653, Queenstown 9348  
Telephone: (03) 441 0125  
Solicitor Acting: T J Surrey  
Email: tsurrey@mactodd.co.nz

**MAY IT PLEASE THE COMMITTEE****Introduction and background**

- [1] Before the Central Otago District Licensing Committee (“the Committee”) is an application from Alexandra Blossom Festival Committee Incorporated (“the Applicant) for a special licence in respect of premises situated on Centennial Avenue, Alexandra (commonly known as Pioneer Park), for the event known as “Saturday in the Park”. The event is part of the Alexandra Blossom Festival.

**Background**

- [2] The application was filed on 20 March 2025. It is made pursuant to section 137 of the Sale and Supply of Alcohol Act 2012 (“the Act”).
- [3] On 11 April 2025, the Committee issued a decision declining the application. The decision states the following:

*During the committee’s initial deliberations, further information was helpfully furnished by the Inspector. In particular, the effect of the 2016 amendment to the Act that clarified the intent of s22(2) regarding a licensee’s ability to sell and supply alcohol as opposed to sell or supply.*

- [4] There is no reference to this “further information” in the Inspector’s report dated 27 March 2025 and the Inspector did not oppose the application at that time.
- [5] Counsel has sought disclosure of the full file and this was to be disclosed by the end of business on Friday 4 July 2025. This has not been received at the time of drafting these submissions. It is unclear what the “further information” that was “helpfully furnished” is but it appears to have influenced the Committee in its decision-making.

- [6] In any event, the Applicant subsequently sought a rehearing of the application and the matter has been set down for a public hearing before the Committee on Friday 11 July 2025.

### **Summary of submissions**

- [7] It is submitted that the Committee has the powers to grant the application on the conditions sought and with any other conditions it sees fit to impose.
- [8] This is on the basis that section 22 does not preclude the granting of a special licence to the Applicant, particularly when considering the key factor to be considered in any application, purpose of the Act set out in section 3 and the object of the Act, set out in section 4.

### **The Applicant**

- [9] The Applicant is an incorporated society, registered under the Incorporated Societies Act 1908. A copy of the Certificate of Incorporation and the Incorporated Society extract is attached to these submissions as Appendix “A”.
- [10] There is a managing committee. The committee has contracted Martin McPherson as the Event Manager for the 2025 Blossom Festival (as it has since 2016).

### **Legislative provisions**

- [11] The key legislative provisions relevant to this application are sections 3, 4, 22, 25 and 142 of the Act. Copies of these sections of the Act are attached as Appendix “B” to these submissions.
- [12] For ease of reference, section 22 is also set out below:

#### *Special licences*

- (1) *There are 2 kinds of special licence: on-site special licences and off-site special licences.*
- (2) *On the premises a special licence designated as an on-site*

*special licence is held for, the licensee can sell and supply alcohol, for consumption there, to people attending an event described in it.*

- (3) *Where the holder of an on-licence or a club licence for any premises also holds a special licence designated as an on-site special licence for the premises, the holder can at a time when the sale of alcohol on the premises would otherwise be unlawful (whether by virtue of a provision of this Act relating to licensed premises or licensed premises of any kind, or by virtue of any condition subject to which the on-licence or club licence was issued) sell and supply alcohol, for consumption there, if it is sold or supplied—*

*(a) to people attending an event described in the special licence; and*

*(b) in accordance with the special licence.*

- (4) *Subsection (3) does not limit or affect the generality of subsection (2).*
- (5) *On the premises a special licence designated as an off-site special licence is held for, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it.*
- (6) *While the premises a special licence designated as an off-site special licence is held for are open for the sale of the licensee's alcohol for consumption somewhere else, the licensee can also supply alcohol free, as a sample, for consumption on the premises.*

### **Criteria for licences**

- [13] Section 142 of the Act sets out the criteria that the Committee must have regard to when considering an application for a special licence.
- [14] In assessing the criteria set out in the Act, it is submitted that the Committee should consider the points below.

***Purpose and object of the Act***

- [15] The purpose of the legislation is set out in section 3 of the Act. The legislation was introduced to put a new system of control in place that is reasonable and helps achieve the object of the Act.
- [16] In essence, the object of the Act is to ensure that sale, supply and consumption of alcohol are done responsibly and that the harm caused by excessive consumption is minimal.
- [17] It is submitted that the object of the Act will not be compromised by the issue of the special licence to the Applicant, subject to conditions.

***The nature of the event***

- [18] The Alexandra Blossom Festival is a large community festival that has operated since 1957.
- [19] The “Saturday in the Park” event is one event within the wider festival. It is marked as a community fun day and a family event. It is expected to attract 10,000 people over the course of the day and follows on from the Blossom Festival Street Parade held that morning.
- [20] The event has operated for many years without any major incidents.

***The suitability of the applicant***

- [21] There is no statutory definition of suitability.
- [22] One of the most well-known cases on the topic of suitability is *Re Sheard*<sup>1</sup> in which Holland J stated:

*“To refuse an application for an on-licence on grounds of suitability the Authority has to be satisfied on the balance of probabilities that the character of the applicant has been*

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<sup>1</sup> [1996] 1 NZLR 751

*shown to be such that he is not likely to carry out the responsibilities that go with the holding of a licence.*

*Suitability is a word commonly used in the English language and is well understood. In an earlier decision the Authority has adopted the definition in the concise Oxford Dictionary as “well fitted for the purpose, appropriate.”*

[23] In *Re Nishchay’s Enterprises Ltd*<sup>2</sup> the Authority said:

*“Suitability is a broad concept and an assessment of it includes the character and reputation of the applicant, its previous operation of premises, its proposals on how the premises will operate, its honesty, its previous convictions and other matters. It also includes matters raised and reports filed under s33 of the Act and those reports may raise issues pertaining to the object of the Act as set out in S4”.*

[24] It is submitted that the Applicant is a suitable entity to hold an on-licence.

***Any relevant local alcohol policy***

[25] There is no relevant provisions in a Local Alcohol Policy.

***Amenity and good order***

[26] There is no resource consent required for the event. It is submitted that there are no issues of concern in respect to amenity and good order. The event is part of a wider community festival.

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<sup>2</sup> *Re Nishchay’s Enterprises Ltd* [2013] NZARLA 837<sup>2</sup>



***The days on which and the hours during which the applicant proposes to sell alcohol***

[27] The trading hours sought are 11.00am to 5.30pm on Saturday 27 September 2025.

[28] These hours are consistent with those granted for the event in previous years.

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

[29] A site map of the proposed licensed premises was submitted with the application. It is the similar that used in previous years.

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

[30] The evidence of Mr McPherson and Mr Hughes has addressed this. Each stall will be required to appoint someone who has a manager's certificate and the requisite skills to manage the sale and supply of alcohol.

[31] Mr Hughes holds a current manager's certificate and has a vast amount of experience in managing the sale and supply of alcohol at large community events. He will have overall responsibility for the event as the appointed manager.

[32] The Applicant has the necessary systems in place to manage the sale and supply of alcohol, and to comply with the law.

***Any areas of the premises that the applicant proposes should be designated***

[33] The entire licensed area is to be undesignated. It is submitted that this is appropriate.

***Any steps the applicant proposes to take to ensure the requirements of the Act in relation to prohibited person are observed***

[34] The proposals set out in the application are appropriate.

- [35] There will be 12 security staff contracted via Allied Security working at the event.

***The applicant's proposals relating to the sale and supply of non-alcohol drinks, low-alcohol drinks, food and transport***

- [36] The Applicant will ensure there are a number of stalls at the event selling low-alcohol drinks. All of the alcohol vendors are required to offer a non-alcoholic option. Water will be available at all stalls as well.

- [37] There are 38 food vendors who will be selling a range of food at the event.

- [38] In terms of transport, local people are encouraged to walk to the event. The security staff can assist with transport arrangements if need be.

***Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103***

- [39] Senior Constable Dave Cowie has confirmed in a submission dated 25 June 2025 that Police do not oppose the application.

- [40] Mr Aaron Whipp on behalf of the Medical Officer of Health does not oppose the application.

- [41] The inspector did not oppose the application in a report dated 27 March 2025. At the time of preparing these submissions it is not clear if the inspector's position on the application has changed.

- [42] It is submitted that there are no other matters raised in any reports that would affect the issue of a special licence to the Applicant.

**Section 22 of the Act**

- [43] The key section that the Central Otago District Licensing Committee refers to in its decision dated 11 April 2025 is section 22 of the Act.

[44] In short, the Committee appears to be stating that the Act authorises a licensee to “sell **and** supply” alcohol as opposed to “sell **or** supply alcohol”.

[45] The Committee’s statement was that:

*During the committee’s initial deliberations, further information was helpfully furnished by the Inspector. In particular, the effect of the 2016 amendment to the Act that clarified the intent of s22(2) regarding a licensee’s ability to sell and supply alcohol as opposed to sell or supply. Further, s. 22(2) states ‘the licensee can sell and supply alcohol’, it does not say the licensee’s alcohol as it does in s22(5) when describing special off-licences. The afore mentioned effect of this distinction is that in order to comply with the requirements for a special licence, a licensee must be directly involved in the sale and supply of alcohol.*

[46] It is submitted that the Committee has misinterpreted the provisions of section 22 and it is not an absolute bar to the issue of a special licence to the Applicant.

[47] The provisions of section 22 have wider application and can encompass the situation such as that before the Committee.

[48] The Applicant is receiving revenue from the sale of alcohol via the stall fees and is part of the chain of sale of alcohol. It is the conduit for the sale and supply. The Applicant is authorising the sale and supply of alcohol via the stallholders.

[49] There is a comprehensive stallholder agreement in place confirming that the Applicant receives revenue.

- [50] Section 22(5) of the Act makes a specific reference to the restrictions on off-licence sales. Any licensee holding an off-licence style special licence can only sell products manufactured by the holder of the special licence.
- [51] The legislative provisions whereby subsection (5) is very specific but subsection (2) is not suggests Parliament did in fact anticipate there could be some flexibility in the application of section 22(2). This is especially so when the object of the Act is considered.

#### **Case law**

- [52] It is submitted that in considering this application, the key factor for the Committee to consider is the object of the Act. This is a principle that flows through a vast body of case law.
- [53] In a decision in respect of an application from Greenstone Entertainment Limited, the Queenstown Lakes District Licensing Committee considered an application in respect of the Gibbston Valley Summer Concert against a backdrop of police opposition.
- [54] The Committee stated at para 21 of its decision:

*We start from the principle that is it legal to sell alcohol under licence, and it is legal to consume it. The object of the Act is that the sale and consumption of alcohol s-hall be undertaken safely and responsibly. Where is there evidence of any lack of safety or irresponsibility? “Res ipsa loquitur”. The second object is that the harm caused by excessive or inappropriate consumption of alcohol should be minimised.*

- [55] It is submitted that this is exactly the approach to be taken in the current application.

- [56] In the decision of “*Cambridge Raceway Limited v Medical Officer of Health*”<sup>3</sup> the Alcohol Regulatory and Licensing Authority (“ARLA”) considered an appeal in respect of a decision of the Waipa District Licensing Committee. It related to the issue of a special licence for a Croquet Summer Series at the Cambridge Racecourse. While there is a licence in place for the racecourse the defined licensed premises did not include the croquet area.
- [57] An application for a special licence had been declined and Cambridge Raceway appealed the decision to ARLA.
- [58] One of the issues for ARLA to consider was whether a special licence application could be declined pursuant to ss 22 and 41 of the Act without the decision maker considering the criteria in section 142 of the Act.
- [59] It held at paragraph [104] that:
- “It is beyond doubt then that when considering an application for a special licence, a decision-maker must have regard to s 142. The words of s 142 bear their ordinary meaning namely in deciding whether to issue a special licence the licensing committee “must have regard to” the matters listed”*
- [60] A copy of the decision is attached as Appendix “C”.

#### **Alternative approaches**

- [61] Should a special licence not be granted to the Applicant, it will need to ask each individual stall holder to apply for a special licence.
- [62] This is not the Applicant’s preference and will create a number of problems particularly for the stall holders and the enforcement agencies due to the need to “fence in” the patrons. This is due to the

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<sup>3</sup> [2019] NZARLA 116

requirements of section 25 of the Act whereby you cannot have two licences in place for the same area.

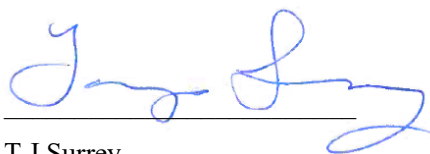
[63] The other options open to the Blossom Festival as a “workaround” are inappropriate in the Applicant’s opinion. The Applicant is aware of other event that sell drinks vouchers or permits in an attempt to comply with the legislation at a public event. The holder of the voucher then goes to a stall and is given a drink in exchange for a voucher. However, while this may mean the licence holder is selling a drink (via a voucher) the licence holder is not supplying the alcohol and the application of section 22 could be challenged.

[64] It is submitted that such “workarounds” cannot be the intention of the Parliament, nor are they consistent with the object of the Act. Put simply they are not appropriate and allow a “smoke and mirrors” form of compliance.

#### **Conclusion**

[65] It is submitted that the Applicant meets the criteria for the issue of a special licence under section 137 of the Act.

[66] When considering the object of the Act, the most important consideration for a Committee to assess, the application meets the object of the Act.



T J Surrey  
Counsel for the Applicant  
7 July 2025



## Certificate of Incorporation

**ALEXANDRA BLOSSOM FESTIVAL COMMITTEE INCORPORATED**

**819799**

**NZBN: 9429043009305**

This is to certify that ALEXANDRA BLOSSOM FESTIVAL COMMITTEE INCORPORATED was incorporated under the Incorporated Societies Act 1908 on the 24th day of July 1996 and was reregistered to become a society under the Incorporated Societies Act 2022 on 29th day of May 2025

Registrar of Incorporated Societies  
4th day of July 2025



To check the validity of this certificate visit  
<https://app.businessregisters.govt.nz/sber-businesses/verify/9429043009305/IncorporatedSociety-93354314.html>

Certificate generated on 04 July 2025 03:11 PM NZST



## Incorporated Society Extract

### ALEXANDRA BLOSSOM FESTIVAL COMMITTEE INCORPORATED NZBN: 9429043009305

**Incorporation Number:** 819799  
**Status:** Registered  
**Date of Incorporation:** 24-Jul-1996  
**???sber.businesses.EXT-IS-002.** 29-May-2025  
**template.label.**  
**reregistrationDate???**  
**Incorporated Societies Act:** 2022

### Registered Office Address

13 Schaumann Street, Alexandra, 9320, New Zealand

### Officer Details

**Type:** Society Officer  
**Name:** Timothy Lewis COUGHLAN  
**Start Date:** 29-May-2025

**Type:** Society Officer  
**Name:** Michelle Anne DAVIS  
**Start Date:** 29-May-2025

**Type:** Society Officer  
**Name:** Janet Lynn FENNESSY  
**Start Date:** 29-May-2025

For further details relating to this incorporated society check <https://app.businessregisters.govt.nz/view/IS/9429043009305>

Extract generated on 04 July 2025 03:13 PM

page 1 of 2





<b>Type:</b>	Society Officer
<b>Name:</b>	Ian Robert GARE
<b>Start Date:</b>	29-May-2025
<b>Type:</b>	Society Officer
<b>Name:</b>	Tony Roger HAMMINGTON
<b>Start Date:</b>	30-May-2025
<b>Type:</b>	Society Officer
<b>Name:</b>	Martin Robinson MCPHERSON
<b>Start Date:</b>	11-Mar-2020
<b>Type:</b>	Society Officer
<b>Name:</b>	Sharleen STIRLING
<b>Start Date:</b>	29-May-2025
<b>Type:</b>	Society Officer
<b>Name:</b>	Rachel Mhairi VELLACOTT
<b>Start Date:</b>	29-May-2025

For further details relating to this incorporated society check <https://app.businessregisters.govt.nz/view/IS/9429043009305>

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page 2 of 2



# "B"

New Zealand Legislation

## Sale and Supply of Alcohol Act 2012

If you need more information about this Act, please contact the administering agency: **Ministry of Justice**

- Warning: Some amendments have not yet been incorporated

### Part 1 Preliminary matters

#### 3 Purpose

- (1) The purpose of [Parts 1 to 3](#) and the schedules of this Act is, for the benefit of the community as a whole,—
  - (a) to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and
  - (b) to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.
- (2) The characteristics of the new system are that—
  - (a) it is reasonable; and
  - (b) its administration helps to achieve the object of this Act.



New Zealand Legislation

# Sale and Supply of Alcohol Act 2012

If you need more information about this Act, please contact the administering agency: **Ministry of Justice**

- Warning: Some amendments have not yet been incorporated

## 4 Object

- (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).



New Zealand Legislation  
Sale and Supply of Alcohol Act 2012

If you need more information about this Act, please contact the administering agency: **Ministry of Justice**

- Warning: Some amendments have not yet been incorporated

## 22 Special licences

- (1) There are 2 kinds of special licences: on-site special licences and off-site special licences.
- (2) On the premises a special licence designated as an on-site special licence is held for, the licensee can sell and supply alcohol, for consumption there, to people attending an event described in it.
- (3) Where the holder of an on-licence or a club licence for any premises also holds a special licence designated as an on-site special licence for the premises, the holder can at a time when the sale of alcohol on the premises would otherwise be unlawful (whether by virtue of a provision of this Act relating to licensed premises or licensed premises of any kind, or by virtue of any condition subject to which the on-licence or club licence was issued) sell and supply alcohol, for consumption there, if it is sold or supplied—
  - (a) to people attending an event described in the special licence; and
  - (b) in accordance with the special licence.
- (4) Subsection (3) does not limit or affect the generality of subsection (2).
- (5) On the premises a special licence designated as an off-site special licence is held for, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it.
- (6) While the premises a special licence designated as an off-site special licence is held for are open for the sale of the licensee's alcohol for consumption somewhere else, the licensee can also supply alcohol free, as a sample, for consumption on the premises.

Compare: 1989 No 63 ss 73, 74

Section 22(2): amended, on 17 December 2016, by [section 87\(1\)](#) of the Statutes Amendment Act 2016 (2016 No 104).

Section 22(3): amended, on 17 December 2016, by [section 87\(2\)](#) of the Statutes Amendment Act 2016 (2016 No 104).



New Zealand Legislation

# Sale and Supply of Alcohol Act 2012

If you need more information about this Act, please contact the administering agency: **Ministry of Justice**

- Warning: Some amendments have not yet been incorporated

## 25 Issue of second licence for premises already licensed

A licence of one kind can be issued—

- (a) for premises for which a licence of another kind is (or licences of other kinds are) already held; or
- (b) for premises for a part of which a licence of another kind is (or licences of other kinds are) already held; or
- (c) for a part of any premises for the whole of which a licence of another kind is (or licences of other kinds are) already held.

Compare: 1989 No 63 s 6(3)





New Zealand Legislation

# Sale and Supply of Alcohol Act 2012

If you need more information about this Act, please contact the administering agency: **Ministry of Justice**

- Warning: Some amendments have not yet been incorporated

## 142 Criteria for issue of special licences

- (1) In deciding whether to issue a special licence, the licensing committee concerned must have regard to the following matters:
  - (a) the object of this Act;
  - (b) the nature of the particular event for which the licence is sought and, in particular,—
    - (i) whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and
    - (ii) whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services;
  - (c) the suitability of the applicant;
  - (d) any relevant local alcohol policy;
  - (e) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence;
  - (f) the days on which and the hours during which the applicant proposes to sell alcohol;
  - (g) the design and layout of the premises concerned;
  - (h) whether the applicant has appropriate systems, staff and training to comply with the law;
  - (i) any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas;
  - (j) any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed;
  - (k) the applicant's proposals relating to—
    - (i) the sale and supply of non-alcoholic drinks and food; and
    - (ii) the sale and supply of low-alcohol drinks; and
    - (iii) the provision of help with or information about alternative forms of transport from the premises;
  - (l) any matters dealt with in any report from the Police, the Medical Officer of Health, or an inspector made under [section 141](#).
- (2) The licensing committee must not take into account any prejudicial effect that the issue of the special licence may have on the business conducted pursuant to any other licence.

Compare: 1989 No 63 [s 79](#)

Cambridge Raceway Ltd v Medical Officer of Health, [2019] NZARLA 116 (2019)  
2019 WL 3000986

“C”

[2019] NZARLA 116  
Alcohol Regulatory and Licensing Authority

**Cambridge Raceway** Ltd v Medical Officer of Health

Hearing: 18 June 2019  
Decision: 1 July 2019  
Judge Kelly, Member Miller

### Classifications (3)

- [1] **Alcohol** → District Licensing Authority
- [2] **Alcohol** → Special licence
- [3] **Alcohol** → Local alcohol policy

### Legislation Considered

Interpretation Act 1999 (NZ) s 5

Sale and Supply of Alcohol Act 2012 (NZ) s 5, s 22, s 22(1), s 22(2), s 32, s 36, s 41, s 41(b), s 105, s 131, s 138, s 142, s 141(2), s 141(3), s 141(4), s 142, s 142(1)(b), s 142(1)(e), s 142(1)(h), s 142(1)(k)(i), s 154, s 157, s 158, s 204(3)

Sale of Liquor Act 1989 (NZ) s 79(1)

### Party Names

**Cambridge Raceway** Ltd (*Appellant*), The Medical Officer of Health (*First respondent*), Glynn Jones (*Second respondent*), James Kernohan (*Section 204(3) Party*)

### Legal Representatives

*Mr M D Branch* and *Ms P Kaur* — for appellant; *Mrs N Zeier* — Medical Officer of Health delegate, first respondent; *Mr G H Jones* — Licensing Inspector, second respondent; *Sgt J Kernohan* — New Zealand Police, s 204 party

### Judgment

### DECISION OF THE AUTHORITY

District Court Judge K D Kelly, Member Mr R S Miller

### Introduction

- [1] On 17 December 2019 the Waipa District Licensing Committee (DLC) declined an application made by **Cambridge Raceway** Limited (**Cambridge Raceway**) for a special licence for a series of events called the “Croquet Summer Series” operating under the auspices of the “**Cambridge** Croquet Club”.
- [2] On 23 January 2019, pursuant to s 154 of the Act, **Cambridge Raceway** appealed the decision of the DLC.
- [3] Subsequently, on 1 March 2019 the New Zealand Police applied for an order striking out **Cambridge Raceway's** appeal. After considering submissions from the parties, on 5 April 2019 the Authority refused to strike-out the appeal.<sup>1</sup>

### The Croquet Summer Series

Cambridge Raceway Ltd v Medical Officer of Health, [2019] NZARLA 116 (2019)

2019 WL 3000986

- [4] The application for a special licence was made by **Cambridge Raceway** on 16 October 2018. The schedule originally attached to the application proposed a series of events to be run over two months between 28 November 2018 and Sunday 27 January 2019, on Wednesday through Sunday, between the hours of 12.00 noon and either 9.00 pm or 10.00 pm. The events were described in the schedule as “Sunday sunset sessions” (9 events), “Harness Racing” (7 events), “Friday night lates” (5 events),<sup>2</sup> “Movie night” (8 events), and “Private hire” (8 events) plus an “official launch” on Saturday 1 December 2018.
- [5] On 30 November 2018 **Cambridge Raceway's** counsel wrote to the Secretary of the DLC “to consolidate amendments and refinements made to the application ... to ensure there is clarity around the nature of the event, and also to amend the designation from Supervised to undesignated.”<sup>3</sup> This letter reads:<sup>4</sup>

“... over summer our client hosts a number of family-oriented events at its premises. The intention behind these events is to build awareness of the premises and to promote it as a venue to members of the **Cambridge** (and wider) communities. ...

One such event is the ‘Croquet Summer Series’, which is modelled loosely on a concept first trialled in Adelaide in 2013 under the auspices of the ‘Royal Croquet Club’. In that Australian example, croquet was used as a medium to promote the Adelaide Fringe Festival, which most recently ran between 16 February and 18 March 2018.

To hand, the ‘Croquet Summer Series’ will operate under the auspices of the **Cambridge** Croquet Club (CCC), and will be a promotional vehicle both for croquet generally but also **Cambridge Raceway** Limited. Relevantly, the CCC is a promotional venture wholly run by our client, which is why the special licence application is in its name.

The ‘Croquet Summer Series’ is aimed at families and some corporates. In addition to croquet, a range of other activities will be offered (depending on the particular day). These other activities are:

- (a) Live music on Friday evenings;
- (b) Saturday movies using a pop-up cinema; and
- (c) ‘Sunday Sessions’ on a Sunday, with a live DJ.”

- [6] For the avoidance of doubt, it is clear from this that the **Cambridge** Croquet Club is not an actual club.
- [7] The schedule of events proposed to be undertaken was also updated to occur over seven consecutive weekends between 14 December 2018 and 27 January 2019 and between the hours of 12.00 noon and 11.00 pm. Interspersed are three racing events including Christmas Eve races, New Year's harness racing, and a centenary celebration.

#### On-Licence

- [8] **Cambridge Raceway** holds an on-licence which authorises the sale of alcohol on Monday to Sunday, from 10.00 am to 1.00 am the following day.
- [9] The Authority understands that the area where alcohol may be sold includes the interior of the **raceway** building, the grandstand and an exterior deck on the ground floor. Importantly, the on-licence area does not include the grassed area where the Croquet Summer Series was proposed to take place<sup>5</sup>, hence the application for a special licence.

#### Law



Cambridge Raceway Ltd v Medical Officer of Health, [2019] NZARLA 116 (2019)

2019 WL 3000986

[10] Section 22(1) and (2) of the Act provides that:

- “(1) There are 2 kinds of special licence: on-site special licences and off-site special licences.
- (2) On the premises a special licence designated as an on-site special licence is held for, the licensee can sell and supply alcohol, for consumption there, to people attending an event described in it.”

[11] Section 5 defines the term “event”:

“event includes an occasion and a gathering, and any of a series of events”

[12] Section 41 of the Act provides:

“A special licence must not be issued in circumstances where (in the opinion of the licensing committee concerned) it would have been more appropriate for the applicant to apply for—

- (a) an on-licence, off-licence, or club licence; or
- (b) the variation of an existing on-licence, off-licence, or club licence.”

[13] Section 142 of the Act then sets out the criteria for the issue of special licences:

- “(3) In deciding whether to issue a special licence, the licensing committee concerned must have regard to the following matters:
  - (a) the object of this Act:
  - (b) the nature of the particular event for which the licence is sought and, in particular,
    - (i) whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and
    - (ii) whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:
  - (c) the suitability of the applicant:
  - (d) any relevant local alcohol policy:
  - (e) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence:
  - (f) the days on which and the hours during which the applicant proposes to sell alcohol:
  - (g) the design and layout of the premises concerned:
  - (h) whether the applicant has appropriate systems, staff and training to comply with the law:
  - (i) any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas:
  - (j) any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed:

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- (k) the applicant's proposals relating to—
  - (i) the sale and supply of non-alcoholic drinks and food; and
  - (ii) the sale and supply of low-alcohol drinks; and
  - (iii) the provision of help with or information about alternative forms of transport from the premises:
- (l) any matters dealt with in any report from the Police, the Medical Officer of Health, or an inspector made under [section 141](#).
- (4) The licensing committee must not take into account any prejudicial effect that the issue of the special licence may have on the business conducted pursuant to any other licence.”

## Position of Reporting Agencies

### Medical Officer of Health

- [14] The application was opposed by a delegate of the Medical Officer of Health, Mrs Nicole Zeier, who is a Health Protection Advisor for the Waikato DHB. The Medical Officer of Health opposed the application on the basis that a special licence must be for an “event” and is not to operate as a de facto on-licence. The Medical Officer of Health was concerned that the Croquet Summer Series is effectively an extension of the licensed area under **Cambridge Raceway's** on-licence and that “50 hours a week of specials contravenes [section 41](#) of the Act.”<sup>6</sup>
- [15] The Medical Officer of Health was of the view that the thirty events did not appear to be related in any way and before the DLC expressed concern that not all the events appeared genuine. For example, the Medical Officer of Health said a movie does not last for ten hours and questioned why the hours sought were “so excessive”. The private hire events, the Medical Officer of Health noted, did not include details of the event including who the private event was for. The Medical Officer of Health also said it was unclear how many would attend the thirty events.<sup>7</sup>
- [16] The Medical Officer of Health also expressed concerns about some of the matters in [s 142](#) of the Act<sup>8</sup> but those concerns are not germane to the issues on appeal.

### Licensing Inspector

- [17] The Licensing Inspector also opposed the application over concerns relating to a number of the criteria in [s 142](#) of the Act.<sup>9</sup> Again, in the main, these are not related to the issues in this appeal.
- [18] The Inspector also initially expressed concerns about whether **Cambridge Raceway** has the necessary planning consent to operate the series of licensed events, but this issue appears to have been resolved.<sup>10</sup>
- [19] Related to the issues in this appeal, the Inspector also shared the concerns of the Medical Officer of Health that the bar for the Croquet Summer Series appears to be, in practice, an extension of the **Raceway** bars to increase the licensed area under the substantive on-licence. The Inspector said that he had raised with the applicant that under [s 41](#) special licences can only be granted for events that would not be held under the substantive on-licence. In response, the Inspector says that the applicant indicated a variation would be sought in the New Year to extend the existing on-licence area onto the grassed area outside the grandstand, but in the meantime a series of summer events had been planned to extend the racing event experience.<sup>11</sup>
- [20] Like the Medical Officer of Health, the Inspector expressed concern that the application was for events that might not take place as some of the event dates had not been confirmed. It was intended that these dates would only be utilised if a corporate client was interested in making a booking.<sup>12</sup>

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- [21] Finally, the Inspector said that very little information was initially provided with the application to describe how any of the Croquet Summer Series events would be operated and again noted the concern of the Medical Officer of Health that the events are contrived. The Inspector reported:

“No matter how much the applicant is able to show that the nature of the series of events is suitable and not contrived, there remains doubt about how the lack of ticketing and entry requirements to the special licensed area on non-race days can demonstrate that all patrons entering are actually there to take part in the Croquet event.”<sup>13</sup>

### New Zealand Police

- [22] The application was not opposed by the New Zealand Police<sup>14</sup> although before the DLC Sergeant Kernohan said that the Police were opposed to the application.<sup>15</sup> It appears that the Police were not aware of the full extent of amendments to the application and that once the specific details were known, the Police considered that they ought to have been entitled to reconsider their position. During the course of the hearing, however, when counsel for **Cambridge Raceway** objected to the Police's purported change of stance, Sgt Kernohan agreed to make submissions but not to oppose the application.<sup>16</sup>

### DLC Decision

- [23] In reaching its decision, the DLC said:

“In deciding whether to grant a special licence the licensing committee must first consider whether the event proposed is an event for which a special licence can be granted. The licensing committee must then have regard to the criteria in s 142 of the Act. Therefore, the issues to be decided are:

- a) Is the Summer Croquet Series an event for which a special licence can be granted?
- b) If so, does the Summer Croquet Series comply with the criteria in s 142?”

- [24] In respect of the first question posed, the DLC turned to the definition of the term ‘event’ in s 5 of the Act and applied “three principles” purportedly drawn from *Re: Invercargill Workingmen's Club Inc*,<sup>17</sup> namely that an event must be genuine and not something that has been contrived;<sup>18</sup> that the occasions or events need to be related;<sup>19</sup> and that there needs to be an element of control over who may attend the occasion or event.<sup>20</sup>

- [25] In respect of the first of these principles, namely whether the Croquet Summer Series is a genuine event, the DLC said:<sup>21</sup>

“The onus is on the applicant to prove on the balance of probabilities that the event is genuine and not contrived.”

- [26] The DLC said further:<sup>22</sup>

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“... the nature of the event and marketing of the event gives the licensing committee the strong impression that it is essentially an outdoor bar that extends the licensed area to the grass, with a number of fun activities planned. We are unable to see how the Summer Croquet Series is a genuine event. The only thing connecting the various different nights and activities is the venue. That the applicant intends to apply for a variation of their licence in the new year for these events further suggests that this is not an event for which a special licence should be granted, per [section 41\(b\)](#) of the Act.”

[27] The DLC then concluded: <sup>23</sup>

“... the licensing committee is not persuaded that the Summer Croquet Series is an event for which a special licence can be granted. The licensing committee has formed the view that the event is more in the nature of an on-licence activity and therefore [section 41](#) prohibits the grant of a special licence. Therefore, it is not necessary to consider the second issue regarding the criteria in [section 142](#).”

### Grounds of Appeal

[28] The grounds of appeal as set out in the Notice of Appeal dated 23 January 2019 are that the DLC erred in law by wrongly determining that:

- (a) an opportunity to play and watch croquet or outdoor movies, or both, is not an event for which a special licence can be granted; and
- (b) if the definition of “event” is met, it was still not an event because it is contrived.

[29] In short, **Cambridge Raceway** submits that the DLC was wrong to decline the application without considering [s 142](#).

[30] By way of relief under [s 158](#) of the Act, the appellant seeks that the decision of the DLC be quashed without reference back to the DLC.

### Preliminary matter

[31] As a preliminary matter in this appeal, the reporting agencies have questioned whether there is a live issue for determination.

[32] The Medical Officer of Health submits that in *Paulin v Mornington Tavern 2010 Ltd* <sup>24</sup> and *Abbot v Malone's Ltd* <sup>25</sup> the Authority has previously struck out appeals in respect of special licence decisions where the event has taken place. The Medical Officer of Health submits that in a similar way, as the Croquet Summer Series has passed, the decision of the Authority will have no effect.

[33] The Licensing Inspector is of the same view and also refers the Authority to *Abbot v Malone's Ltd*. Notwithstanding this, the Inspector recognises that “... if the Appellant should make application for a similar series of events next summer, the DLC and Agencies would be assisted by a decision that addresses their concerns raised at the DLC hearing.” <sup>26</sup>

[34] The Police also refer to *Mornington Tavern* and *Abbot v Malone's Ltd*. Bearing those decisions in mind, Sgt Kernohan submits that “there is further onus on the applicant to prove there is a live issue in this appeal.” <sup>27</sup>

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- [35] In seeking that the decision of the DLC be quashed, the appellant relies on *J & C Vaudrey Ltd v Canterbury Medical Officer of Health*.<sup>28</sup> There the Court of Appeal agreed with Gendall J in the High Court<sup>29</sup> who adopted the interpretation in *Director-General of Social Welfare v W*<sup>30</sup> that the term “reverse” includes the revocation or annulment of a decision. In *Director-General of Social Welfare v W*, the Court said:<sup>31</sup>

“In our opinion the Authority may confirm a decision under appeal, or modify it, or reverse it by turning it round, or reverse it in the sense of revoking it either with or without a direction for a rehearing.”

- [36] This central issue in this appeal relates to the way ss 5, 22, 41 and 142 of the Act operate in respect of an application for a special licence. In light of this, contrary to the submission of the Medical Officer of Health, the relief sought may very well have an effect, albeit on future applications. While there may be no practical relief in respect of the Croquet Summer Series for last summer, to the extent that the appellant may wish to make future applications for similar events, there remains a live issue about the way in which the Act is intended to operate.
- [37] *Mornington Tavern* and *Malone's* can be distinguished from the circumstances of this application. *Mornington Tavern* involved the grant of an application for a special licence which was determined on the papers. The issue raised by the Police related to whether BYO alcohol should be permitted which was considered an issue for the DLC to decide. Given that the application was determined on the papers there was no formal opposition to the application unlike in the present case. There too, the relief sought did not appear to have been aimed at preventing the event although this is not entirely clear from the decision. Further, the issue on appeal was not the same as the issue on appeal in this case.
- [38] In *Malone's*, the appellants recognised that the Authority's powers under s 158 were limited given the event had passed. This decision (like *Mornington Tavern*), however, predated the Court of Appeal decision in *Vaudrey*. In *Malone's* too, the Authority said it would have confirmed the decision of the DLC had the event not have passed. As a result, the circumstances of that application were such that the appeal and the relief sought (i.e. confirmation of the decision) would have had no practical effect. That is not the case here as the relief sought is that the decision of the DLC is quashed.
- [39] In respect of whether there is an onus on the applicant to prove there is a live issue, such a submission misconstrues the concept of a “live issue” which is about whether there remains a controversy or dispute to be resolved. “Proof”, on the other hand, is the establishment (or refutation) of an alleged fact by evidence. Whether or not there is a live issue is not a matter of fact that is capable of being established by evidence in this way. Accordingly, contrary to the submission of the Police, there can be no onus on the appellant to “prove” that there is a live issue.
- [40] As noted, as the dispute here relates to whether the reasoning of the DLC was correct, the hearing of the appeal will have an impact on any future application by the appellant who potentially stands to be adversely impacted in terms of its future ability to apply for a special licence in a way that was not a feature of *Mornington Tavern* or *Malone's*. As this Authority said in *Medical Officer of Health v Straight 8 Estate*, in respect of a fête that had passed:<sup>32</sup>

“That of course does not mean, as Dr Humphrey suggests, that no appeal can be brought in respect of a special licence once an event is over unless it is brought in the interval between the granting of the licence and the event taking place. As recognised in *Jason Peter Loye LLA PH 300/2206* (4 May 2006), at [17], the Authority has dealt with a number of cases where an event has passed in order to assist the parties achieve finality, particularly around special licences at Easter. In the *Loaded Hog Group Limited LLA PH 323-324/2001*, the issue of timing was discussed. There, the Authority said at [6] that as a matter of practicality, it would be

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highly unlikely for any licensed premises to have sufficient time to appeal a special licence decision prior to the event taking place.

While this means that there is no automatic bar on bringing an appeal after an event has occurred, there is still a need for there to be a live issue. In *Loaded Hog Group Limited* at [5], the Authority heard the appeal because it believed that there were wider issues that were still very much alive. In that case, that issue related to the ability to grant a special licence for sacrosanct days of the year over the Easter period. Whether this was possible remained a live issue because both appellants expressed an interest in running similar events the following Easter.”

[41] *Jason Peter Loye* and the *Loaded Hog* were also recently referred to in [Humphrey v Cathedral Grammar Friends Group](#),<sup>33</sup> although there the parties ostensibly agreed that there was a live issue requiring an “indicative ruling”.

[42] The Authority is satisfied that there is a live issue in this appeal in relation to the way in which [ss 5, 22, 41](#) and [142](#) are to be considered in an application for a special licence. Should the applicant make a further application for a similar series of events next year this issue will undoubtedly arise again. Because of the timing constraints associated with special licence applications, however, it is anticipated that consideration of the issue will unlikely be able to be satisfactorily resolved prior to the event in question.

#### Appellant's submissions

[43] Mr Murray Branch, counsel for **Cambridge Raceway**, submits that in determining whether the Croquet Summer Series was an event for which a special licence can be granted, the DLC determined it was not necessary to consider the criteria in [s 142](#) but instead found, by reference to [s 22\(2\)](#) and the definition of the term ‘event’ in [s 5](#) of the Act, that the event was not genuine.

[44] Mr Branch submits that it is not permissible for the DLC to take the fact that the term “event” is referred to in [s 22\(2\)](#), then turn to the definition of event, and in that way avoid considering an application under [s 142](#).

[45] Mr Branch submits that the DLC has also misunderstood or misapplied [s 41](#) which requires the DLC to decide which type of application is more appropriate. [Section 41](#), it is submitted, does not say that if it was possible to apply to vary an on-licence then a special licence is prohibited, which it is submitted, is essentially the position taken by the DLC.

[46] Rather, the test under [s 41](#), it is submitted, is whether in all the circumstances of the particular case, it was more appropriate to apply for a variation to the existing on-licence. This, Mr Branch says, necessarily requires a weighing of all the circumstances.

#### Section 142

[47] Mr Branch accepts that in assessing the nature of the event for the purposes of [s 142\(1\)\(b\)](#), a DLC is entitled to have regard to the definition of the term “event”.

[48] It is submitted, however, that the DLC erred in finding that there was an onus on **Cambridge Raceway** to prove on the balance of probabilities that the event is genuine and not contrived.

[49] It is also submitted that the DLC was wrong to find that **Cambridge Raceway's** position is that the underlying purpose of the Croquet Summer Series is to promote the **Cambridge** Croquet Club, with ancillary promotional benefits for **Cambridge Raceway**.<sup>34</sup> This, it is submitted, expresses the purpose the wrong way around, and that the primary purpose of the application was in fact to promote the venue (i.e. **Cambridge Raceway**), through a series of events. Put another way it is submitted that the event was not for the sole purpose of selling alcohol.

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- [50] Mr Branch submits that the series of events falls to be considered within the statutory criteria in s 142. While the venue is always going to be one feature in common for all events, it is the repetition of the same events which makes those events a series.
- [51] Nevertheless, it is further submitted that the position of the DLC would not have been altered regardless of whether the events comprised a series of events, as the DLC's primary reasoning was that the onus lies on the applicant to prove on the balance of probabilities that the event is genuine and not contrived, which the DLC said **Cambridge Raceway** failed to do.
- [52] Mr Branch submits that while it may be that on receipt of an application the evidence is so compelling that a DLC is able to form the view that the event is not genuine, that is different from putting the onus on the applicant, in effect, to prove a negative.
- [53] It is also submitted that the DLC relied on *Invercargill Workingmen's Club Inc*<sup>35</sup> as authority for the principle that an event must be a genuine event and not something that has been contrived,<sup>36</sup> but the quote reproduced in the DLC decision does not in fact come from that decision but comes instead from *Christie v Invercargill Licensing Trust*.<sup>37</sup> It is further submitted that the facts in *Invercargill Licensing Trust* are completely different to those of this application.
- [54] Mr Branch submits that in light of this, it follows that the DLC could not have had regard to the context in which the principle attributed to *Invercargill Workingmen's Club Inc* (being a finding in *Invercargill Licensing Trust*), was identified, or how that compares to the present factual matrix. Notably, the quote relied on by the DLC made it clear that in *Invercargill Licensing Trust* the events in question were contrived solely to enable a tavern to trade at a time when the legislation otherwise required the premises to be closed for the sale of liquor (i.e. on Good Friday and Easter Sunday).
- [55] Mr Branch also submits that *Invercargill Licensing Trust* is distinguishable on the facts of the present application which support the event not being contrived including:
- (a) the amount of money and effort that went onto preparing the event;
  - (b) the event was extensively advertised;
  - (c) the purpose of the Croquet Summer Series was to promote the complex and not simply to sell alcohol;
  - (d) this was not an attempt to extend trading hours but instead effectively temporarily extended the licensed area on race days, and move the licensed area on non-race days;
  - (e) the on-licence area is only four metres from the area to be covered by the special licence; and
  - (f) there is a tavern 30 metres north of the **Cambridge Raceway** grandstand such that it is not credible to suggest that somebody would walk into the croquet or movie area just to have a drink.
- [56] Further it is submitted that contrary to the views of the Medical Officer of Health, the effect of the application was not simply to enable drinkers to continue to socialise in the same way they normally do when **Cambridge Raceway** is open for business.<sup>38</sup> Before the Authority, Mr Branch submitted that the cases<sup>39</sup> relating to sacrosanct days in the Act<sup>40</sup> are distinguishable in that Parliament expressly prohibited the sale of alcohol on the days in question. As a result, in those cases the question arose as to whether the special licence was an attempt to carry on "business as usual" despite that prohibition. In the present case, it is submitted, there is no bar to the sale of alcohol on the days for which the special licence is sought.

## Section 41

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- [57] In terms of s 41, it is submitted that the DLC relied on Menage Entertainment Ltd v Moody<sup>41</sup> to support its position that s 41 overrides the need to apply s 142 saying:<sup>42</sup>

“Several other matters raised by Mr Davies merit comment. Mr Davies made a point in his closing submissions that no concern has been raised about any alcohol related harm likely to arise from this event. While not stated explicitly, the suggestion is that it would be unreasonable for the licensing committee to refuse to grant the special licence in the absence of alcohol related harm, particularly, given that Cambridge Raceway has a good record of compliance with the Act.

This issue is considered by Judge [sic] Heron in Menage Entertainments Ltd v Moody [1993] NZLR 114 when he said at page 119:

“The Authority exists only by statute and in terms of that statute. It does not have a roving, all-remedial jurisdiction unfettered by specific statutory authorisation. When exercising its defined powers it does so with the principal objects in mind but those objects cannot be a substitute for express statutory entitlement to act.

“Therefore, the object of the Act cannot override the need to consider and apply specific provisions of the Act such as those provided for in section 41.”

- [58] Mr Branch submits that this reference to Menage Entertainment Ltd has no application in this case and what the High Court was saying was that the Authority cannot use the object of the Act to confer upon itself additional powers to those in the Act.
- [59] Mr Branch submits that the focus of s 41 is on circumstances where special licences are being sought effectively to extend the trading hours of an on-licence on a regular basis. This, it is submitted, has traditionally been the objection to special licences, which is not the situation here.
- [60] It is also submitted that the relevant circumstances that ought to have been taken into account, but were not, are those set out in [55] above. Amongst other things too, it is submitted that it was not practical to apply for a variation given this was a summer activity and was specifically designed to provide the public with something to do over the Christmas holiday period.
- [61] It is finally submitted that had the DLC approached s 41 in a proper manner and exercised its discretion reasonably, the DLC would have determined it was not “more appropriate” to make Cambridge Raceway apply for a variation of its on-licence.

#### Submissions of Medical Officer of Health

- [62] Mrs Nicole Zeier, delegate for the Medical Officer of Health, submits that both the Law Commission and Ministry of Justice Officials, in their departmental report on the Alcohol Reform Bill (which ultimately became the Act), saw the introduction of s 41 as important for ensuring that special licences are not granted by a DLC if it is more appropriate for an on- or off-licence to apply. Mrs Zeier said that s 41 was introduced in response to concerns raised that licensees were obtaining special licences under the 1989 Act for events or functions outside of their standard licence hours, on a regular basis.<sup>43</sup>



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- [63] Mrs Zeier submits therefore, that s 41 is a necessary step for DLCs in their evaluation of licence applications and that Parliament anticipated that special licence applications would be refused if, in the opinion of a DLC, they “contravened” this section.
- [64] Mrs Zeier submits further that the definition of the term ‘event’ in s 5 of the Act includes a series of events, and as determined in *Invercargill Workingmen's Club Inc*,<sup>44</sup> the series of occasions or events must be related. Mrs Zeier submits that **Cambridge Raceway** failed to provide the necessary information describing the events, including the proposed dates, and that the special licence was sought for several unrelated events. In the view of the Medical Officer of Health, it is submitted that if an application does not specify an event or events sought with full particularity, or the application includes several unrelated events the DLC must not issue a special licence.
- [65] Mrs Zeier submits that the applicant gave evidence before the DLC that not all the hours sought for the special licence were to be used and the applicant was uncertain as to when each event would start or end. It is submitted that the applicant compared the special licence to the existing on-licence and said that “90 per cent of the time it sits unused but is there if we need it”.<sup>45</sup> In this respect Mrs Zeier submits that “essentially, the applicant sought a blanket set of hours and days to allow flexibility and trial and error.”<sup>46</sup>
- [66] Mrs Zeier further submits that entry to the Croquet Summer Series would be open to anyone, free of charge and would not require preregistration or a ticket. It was uncertain how many people would attend and if a race was on, that would influence the number of people, notwithstanding that only a minimal number of people could play croquet (16 at a time), and some would not play at all.
- [67] Mrs Zeier submits, that in determining the first question before it, namely whether the Summer Croquet Series is an event for which a special licence can be granted, the DLC began its evaluation with s 22 and s 41. Mrs Zeier submits that in *Invercargill Workingmen's Club Inc*, the Authority has previously taken the approach when evaluating an application to first look at whether the event is one for which a special licence can be granted, and only if it was one, to then consider whether the event “complied” with the criteria in s 142 of the Act. It is also submitted that this approach was followed in *Re Newell*.<sup>47</sup>
- [68] The Medical Officer of Health submits that it is inconsequential whether the evaluation of s 142 or s 22 occurs first or second. Mrs Zeier says that either way a DLC must not issue a special licence where a permanent licence is more appropriate.

#### Section 41

- [69] In terms of s 41, Mrs Zeier submits that the appellant's position is that “in determining if the circumstances of a special application ‘fall under’ s 41 the DLC must then decide which type of licence is more appropriate.”<sup>48</sup> Mrs Zeier submits that such an approach introduces an additional step that is unnecessary and that when determining a licence application what is required is for a DLC is to ask itself “whether or not what was proposed in each application constituted an activity or activities which authorised it to grant a special licence.” Mrs Zeier referred the Authority to *Re: Oddballs Adventure Tours Company Ltd*,<sup>49</sup> in which the Authority said:

“The reason that the District Licensing Agency attempted to spell out its future policy was that it had been misled into believing that when considering the application it needed to determine whether or not a special licence was the appropriate licence or whether the applications should have been for on-licences. The Authority considers that such an approach is wrong. The Authority considers that the District Licensing Agency, when considering the applications, should have asked itself whether or not what was proposed in

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each application constituted an activity or activities which authorised it to grant a special licence. Had it approached the applications in this way it would not have been diverted into asking itself what sort of licence was appropriate for the specific activities proposed. It is not a matter of trying to fit the activities into some sort of licence; but rather determining whether what is proposed justifies the licence sought.”

- [70] That is, Mrs Zeier submits that in the case of a special licence the DLC is to “determine if the activity proposed constitutes the grant of a special licence. The DLC must not issue a special licence if s 41 applies.”

### Predetermination

- [71] Finally, Mrs Zeier submits that the appellant is seeking to clarify the decision of the DLC in order to pre-determine a special licence for which **Cambridge Raceway** may apply in the future. To do so, Mrs Zeier submits, is a breach of natural justice and again refers the Authority to its decision in Re: Oddballs Adventure Tours Company Ltd where the Authority said:<sup>50</sup>

“It was also argued that the District Licensing Agency should not have made the remarks that it did because they could be construed as pre-determining future applications. This would be a denial of natural justice. The Authority considers that the District Licensing Agency was unwise to make those comments for that reason. Nevertheless, as was pointed out by Fogarty J in CH and DL Properties Ltd v Christchurch District Licensing Agency and Ors — CIV-2009-409-002906at paragraph [78] Parliament has delegated to the Authority the ability to make policy. It follows, therefore, that the District Licensing Agency also has that ability. However, it is one thing to make policy: it is another to indicate that it is pre-determining future applications when the details of those applications are not known. Natural justice often involves perception: if a party gets the impression that its fate in a judicial process is pre-ordained, then this can be enough to constitute a breach of the rules of natural justice. In the circumstances, the Authority considers that it was unwise for the District Licensing Agency to make the comments that it did.”

### Inspector's submissions

- [72] The Licensing Inspector, Mr Glynn Jones submits that to determine whether a variation of the on-licence is appropriate “to be compliant with s 41” the decision-maker needs to consider factors such as the nature of the event, the location, the frequency of the days involved, trading hours the way the event will be run and how it could be used by patrons. Mr Jones submits that in this way the event can be compared with the way the on-licence is operated and how closely they resemble each other. Mr Jones submits that in his view the DLC considered these matters when forming an opinion about the applicability of s 41.
- [73] The Inspector accepts that while the DLC did take the position that s 41 over-rode any need to apply s 142, in his submission, the two sections are interconnected.

### Section 142

- [74] The Inspector submits that the DLC considered the nature of the event pursuant to s 142(1)(b) taking into account matters raised by him and by the Medical Officer of Health. The Licensing Inspector said that his concern was that a special licence must not be granted to enable people to attend premises primarily to drink but there must be a genuine event that is not contrived.
- [75] The Inspector referred to a Queenstown Lakes DLC decision<sup>51</sup> as providing a test for determining whether an event is contrived, and that applying the factors from that decision says the applicant failed to “prove” any entitlement.<sup>52</sup>

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[76] In addition to s 142(1)(b), the Licensing Inspector submits that other criteria in s 142 were considered by the DLC including that the DLC asked about the way that the event would be run or could be used. Mr Jones said the DLC asked if there was to be someone in charge of the croquet and the applicant's response implied that patrons would have access to the bar and would need to be encouraged to take part if willing.<sup>53</sup>

[77] The Inspector also submits that in response to concerns about events listed in the application which were not advertised or otherwise planned for, the DLC considered the days for which the special licence was sought. In this regard, the licensing Inspector submits that based on *Invercargill Workingmen's Club Inc.* a special licence cannot be granted for unspecified occasions or events or an unspecified series of occasions or events.<sup>54</sup>

[78] The Inspector submits that the promotion of the **raceway** facility does not, of its own, make or constitute an event and that the **Cambridge** Croquet Club name was purely the name for an extended **Raceway** bar. In terms of s 41(b), the Licensing Inspector submits that if the event is not an event within the meaning of s 22(2), then it would not be appropriate for the DLC to grant the application for the special licence. The Licensing Inspector referred specifically to an email he sent to the applicant on 16 October 2018 which says:

“It would appear that the series of race meetings proposed are not significantly different to the type of events normally held at the **Raceway** which is the intention of your existing on-licence.

The special licences should also not be used as a means to increase the licensed area under the substantive on-licence.

The proper means to licensing a greater area than the **Raceway** premises and grandstand would be to seek a variation to extend the existing on-licensed area.”

[79] In addition, the Licensing Inspector submits that the DLC considered the concerns and opposition by the Inspector and the Medical Officer of Health and other factors that would make the event comparable to the on-licensed area. The Inspector submits that although the DLC focussed on the primary issues under ss 142(1)(b) and 41(b), other concerns raised at the hearing would still apply should the applicant make a similar application in the future

[80] The Inspector submits that whereas further information provided by the applicant for other Christmas special licence applications satisfied the Inspector and agencies that those events were bona fide, this was not the case for the Croquet Summer Series. The Inspector said of these other events:<sup>55</sup>

“... the agencies have not opposed any of the other large special event applications. The agencies and the DLC have never considered that special licences could not be granted per se, on the basis that **Cambridge Raceway** cannot extend the licensed area under the operation of special licences. The fact is that the agencies and the DLC considered that the Croquet Summer Series was not comparable with the s 142 criteria that have been met with the operation of the other special licences.”

[81] The Inspector submits that the intention of the applicant to have trading hours which span the whole licensed period up to 11.00 pm would be no different from one of the other **Raceway** bars being open for patrons wishing to purchase alcohol. In this respect, it is submitted that the DLC was correct to compare the Croquet Summer Series to a “pop-up bar” which could be operated and used as an extension of the **Raceway** bars to increase the licensed area under

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the substantive on-licence. The Inspector submits that a pop-up bar for eleven hours on three consecutive nights a week for eight weeks would more appropriately be operated as an on-licensed activity and that this was a matter for the DLC take into account and consider.

- [82] The Licensing Inspector also submits that the submissions of the applicant before the DLC were contradictory or incorrect in that **Cambridge Raceway** said that on race days it saw the special licence as a temporary extension to the licensed area, notwithstanding that the area would be separated by an unconnected area of four metres width. The Licensing Inspector submits that this shows that **Cambridge Raceway** was applying for a special licence only to extend its licensed area to areas beyond the **Raceway** building and grandstand. As a consequence, it is submitted that a variation of the on-licence is more appropriate to comply with s 41 of the Act.

### Submissions of Police

- [83] Sergeant Kernohan for the Police agrees with the Medical Officer of Health that the appellant is seeking to clarify the decision of the DLC in an attempt to pre-determine future special licence applications for **Cambridge Raceway**. Also referring the Authority to its decision in Re: Oddballs Adventure Tours Company Ltd, Sgt Kernohan is concerned that any predetermination will constitute a breach of natural justice.
- [84] Beyond this, Sgt Kernohan submits that the evaluative process starting at s 22 is the correct process and that if the outcome of the evaluation is that s 41 applies, then proceeding to s 142 is unnecessary.

### Authority's Decision and Reasons

#### General principles

- [85] An appeal brought pursuant to s 154 of the Act is by way of rehearing (s 157). The Authority will be slow to draw different factual conclusions from a DLC as the DLC will have had the advantage of hearing the evidence at first instance.<sup>56</sup> It is only if the Authority considers that the appealed decision is wrong that it is justified in interfering with it.<sup>57</sup>

#### Predetermination

- [86] Before discussing the key issues in this appeal, it is useful at the outset to address the issue of predetermination.
- [87] The appellant is not seeking to have the Authority confirm that the Croquet Summer Series is an event for which a special licence ought to have been issued. Rather, the issue for the appellant is that the decision of the DLC is unsafe because it considers that the DLC followed an improper process and misconstrued s 41 when determining **Cambridge Raceway's** application. As a result, it is submitted that the finding of the DLC cannot be sustained. The appeal is brought primarily with the aim of increasing the likely consistency and predictability of the licensing process which the appellant considers will both be of public benefit but also benefit the applicant in the event it makes a further application for a special licence for these kinds of events.
- [88] Importantly, the appellant accepts that whether it will be issued a special licence for a similar event in the future will require fresh consideration of that application against the criteria in the Act.
- [89] In light of the limited scope of this appeal, in clarifying whether the DLC properly interpreted the Act in the circumstances, the Authority does not find there is any risk of predetermination of a future application for circumstances that are as yet unknown.

#### Issues

- [90] There are two key issues in this appeal.

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- [91] The first issue is whether an application for a special licence can be declined pursuant to ss 22 and 41 of the Act without consideration of the criteria in s 142.
- [92] The second key issue raised in this appeal is whether there is an onus on an applicant for a special licence to prove on the balance of probabilities that the event for which the licence is sought is genuine and not contrived.
- [93] In considering the submissions of the reporting agencies, the Authority notes that in large part the reporting agencies are focused on whether the series of events is contrived rather than responding to these two issues. As was put to the Authority, even if the process was wrong, the result is considered correct as a result of the event being contrived.

**First Issue: Can an application for a special licence be declined pursuant to ss 22 and 41 of the Act without consideration of the criteria in s 142?**

- [94] It is clear to the Authority that in determining Cambridge Raceway's application for a special licence, the DLC has approached the application in two-stages, the first stage being that ss 22 and 41 operate effectively as an "eligibility" or "gateway" test. Under this test, the DLC has said that if an event is not determined to be genuine (i.e. that it is contrived), no special licence may be issued. Upon determining this first stage, the second stage is consideration of the criteria in s 142 of the Act. Should the event be found to be contrived, however, the DLC considered it not necessary to consider the second stage. That this is the approach adopted by the DLC is apparent from the two questions it posed, namely:<sup>58</sup>

"In deciding whether to grant a special licence the licensing committee must first consider whether the event proposed is an event for which a special licence can be granted. The licensing committee must then have regard to the criteria in s 142 of the Act. Therefore, the issues to be decided are:

- a) Is the Summer Croquet Series an event for which a special licence can be granted?
- b) If so, does the Summer Croquet Series 'comply' with the criteria in s 142?"

- [95] In response to these two questions the DLC said that:

"In conclusion, the licensing committee is not persuaded that the Summer Croquet Series is an event for which a special licence can be granted. The licensing committee has formed the view that the event is more in the nature of an on-licence activity and therefore section 41 prohibits the grant of a special licence. Therefore, it is not necessary to consider the second issue regarding the criteria in section 142.<sup>59</sup>"

- [96] In essence, the appellant argues that an application for a special licence must be assessed in terms of the criteria in s 142. The appellant recognises that this evaluation includes consideration of the nature of the event for which the licence is sought but argues that s 41 does not prohibit *per se*, the issue of special licences where it is possible to apply for a variation of an on-licence instead.
- [97] Rather, the appellant argues that s 41 requires a decision-maker to weigh all of the circumstances of an application and to form an opinion about whether it is more appropriate that an application is made for the variation of the on-licence. This weighing of the circumstances, the appellant argues, requires consideration of all of the criteria in s 142.

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- [98] On the other hand, the Medical Officer of Health and the Police, in particular, support the approach adopted by the DLC and argue that a contrived event is one that resembles or is akin to what is already authorised by the substantive on-licence and seeks to push the boundary of the authorisation granted by that on-licence. This can be by either seeking regularly to operate during hours beyond those in the on-licence, or by extending the licence area on a repeated basis. In these scenarios the Medical Officer of Health and the Police argue that the special licence becomes a *de facto* variation of the on-licence and that s 41 operates to prohibit the issue of the special licence without the need to consider the criteria in s 142.
- [99] The Licensing Inspector appears to take a slightly different position. The Licensing Inspector agrees with the appellant that regard must be had to s 142 but submits that the DLC did so although it did not say as much in its decision. Further, even if the process was not correctly followed a licence could not be issued because the nature of the activity is contrived and therefore prohibited by s 41.
- [100] As Heath J said in *Re Venus NZ Ltd*,<sup>60</sup> the Act does not articulate a specific test to apply when determining whether to grant an application for a licence. Rather, in determining whether to issue a licence, a decision-maker must take into consideration a series of criteria. While *Venus* involved an application for an off-licence, the same reasoning applies in respect of the renewal of a licence under s 131,<sup>61</sup> and to applications for special licences.<sup>62</sup>
- [101] In *Shady Lady Lighting Limited v Lower Hutt Liquormart Limited*<sup>63</sup> and in *Capital Liquor Limited v New Zealand Police*<sup>64</sup> the Authority summarised the approach to be taken when determining whether to grant an application for a licence which has been well articulated by the superior courts. As Gendall J said in *Christchurch Medical Officer of Health v J & G Vaudrey Ltd*,<sup>65</sup> the role of the DLC or the Authority in considering the relevant factors in the Act is an evaluative one:<sup>66</sup>

“Thus, when the relevant body receives an application, they must consider it against s 105 in deciding ‘whether to issue a licence’. There is no presumptive position, and certainly no foregone conclusion. I think the reality of the position is that if the object of the Act cannot be achieved by the application, then it cannot succeed.

So, in my view, the position can be summarised as follows:

- (a) The role of the relevant body upon receipt of an application for licensing or re-licensing is an evaluative one, requiring the decision maker to make a merits-based determination on the application.
- (b) In considering an application, the relevant body is fundamentally required to assess whether a licence ought to issue. In so doing, it must:
  - (i) consider any objections made by persons who have a greater interest in the application than the public generally;
  - (ii) consider any opposition filed by the constable in charge of the Police station nearest to where the application is filed, a Licensing Inspector, and the Medical Officer of Health;
  - (iii) have regard to the criteria stipulated in s 105 of the Act ... ; and
- (c) The relevant body must finally cross-check whether the application is capable of meeting the object of the Act.
- (d) ... ”

- [102] As Gendall J also said, the principles relating to the requirement to “have regard to” can be summarised as these:<sup>67</sup>

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- (a) the phrase “have regard to” bears its ordinary meaning;
- (b) the decision maker must actively and thoughtfully consider the relevant matters;
- (c) to do so requires the decision maker to correctly understand the matters to which he or she is having regard;
- (d) the weight to be given to such matters is generally within the discretion of the decision maker;
- (e) there will be cases where the matter(s) to which the decision maker is required to have regard are so fundamental or critical that they assume an elevated mantle.

[103] As noted, while Vaudrey dealt with an application for an off-licence, the same basic schema in the Act applies to renewals and special licences.

[104] It is beyond doubt then that when considering an application for a special licence, a decision-maker must have regard to s 142. The words of s 142 bear their ordinary meaning namely in deciding whether to issue a special licence the licensing committee “must have regard to” the matters listed.

[105] In considering the criteria in s 142 the decision-maker necessarily must have regard to the nature of the particular event for which the licence is (s 142(1)(b)).

[106] As stated in *Oddballs Adventure Tours*, however, when considering an application what needs to be asked is whether what is proposed constitutes an activity or activities for which a special licence may be granted, and not what type of licence is more appropriate for the activities in question. Consideration of an application is not a matter of the DLC trying to fit the activity into some sort of licence. Rather the decision maker is required to focus on the activity and determine whether it is justified by the licence sought. The answer to this question requires the application of the criteria in s 142.

[107] Contrary to the submission of the Medical Officer of Health and the Police, however, *Oddballs Adventure Tours* is not authority for the position that an event can be excluded from this evaluation.

[108] Turning to the meaning of s 41, the Act eschews an approach whereby certain types of events are ineligible for a special licence. In this respect, special licence applications differ from off-licence applications, for example. As the learned authors of *Brookers Sale of Liquor* note:<sup>68</sup>

“The ‘special licence’ replaces the booth licence and permits under the 1962 Act. The licence is available both for one-off events and for regular activities. As was noted in the Laking report:

‘At present some organisations such as racing clubs obtain a number of booth licences throughout the year. As clubs are not eligible for on-licences we would expect that clubs in this position would seek an “omnibus” special licence covering the span of their activities.

It is the intention of s 73 [of the 1989 Act] to avoid the unnecessary burden of the public notification procedures required for on-licence applications in the generality of cases which require a licence for one-off or infrequent occasions. Laking adopted the police approach, and advocated that the purpose for which a special licence should be available should be “any lawful purpose” rather than a restricted list of events.

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- [109] That is, when considering the nature of a special event, there is no restriction on the type of event which may form the subject of an application. To read the Act in the way suggested by the Medical Officer of Health and the Police would in effect see a decision-maker bar certain types of events, contrary to the wording of the Act and the purpose of special licences.
- [110] [Section 5 of the Interpretation Act 1999](#) provides that the meaning of an enactment must be ascertained from its text and in the light of its purpose. In the case of off-licences, an off-licence may only be granted for the types of premises listed in [s 32](#), and the Act expressly prohibits the issue of licences for certain types of premises. By way of contrast, the ordinary words of [s 41](#) when read along the words “must have regard to” in [s 142](#), makes it is clear that [s 41](#) does not operate as some form of “eligibility” or “gateway” test to prohibit the grant of special licences for certain events. Moreover, unlike in [s 36](#), [s 41](#) does not state what sorts of events might be prohibited.
- [111] Similarly, [s 22](#) does not prohibit certain types of events from being eligible for special licences. [Section 22\(2\)](#) operates simply to authorise the sale and supply of alcohol to people attending an event described in the licence. [Section 5](#) in turn, simply clarifies that an “event” can includes an occasion or gathering including a series of events. The definition of the term cannot be read as meaning certain types of occasions or gatherings, or series of occasions or gatherings, are in themselves ineligible for a special licence. Whether or not a special licence describing an event should be granted requires an evaluation against the [s 142](#) criteria.
- [112] It is during this evaluation that the decision-maker is entitled to consider whether the application is contrived in that it seeks to push the boundaries of what is already authorised by a substantive on-licence, if there is one. As the Authority said in *Re an Appeal by the Police*, albeit obiter: <sup>69</sup>

“... District Agencies should not issue special licences to clubs for a series of occasions or events that in effect give the club the same (or similar) licensed hours that might be sanctioned by the Authority under club licence. A special licence should not be issued merely to authorise clubs to sell liquor pending the determination of an application for a club licence.”

- [113] Subsequently, in *K P Newell*, the Authority determined an appeal against a decision of the Queenstown Lakes District Licensing Agency which granted a special licence for an event described as the “Easter Music Festival”. In that case, the Authority considered that background matters were relevant including the fact that unlike other special licences for previous music festivals that had been held over the Easter weekend, the application was from a business that normally hosted such events. It was for this reason that in the circumstances of that application, the Authority said: <sup>70</sup>

“The real issue when considering such an application is to question whether the effect of the special licence is to enable the drinkers to continue to socialise in the same way that they normally do when the premises are legitimately open for business.”

- [114] Importantly for the purpose of this appeal, and contrary to what the Medical Officer of Health submits, in *Oddballs* the Authority considered the application for the grant of the special licence against the criteria in the Act, <sup>71</sup> and specifically said in respect of the nature of the particular series of events for which the licence was sought: <sup>72</sup>



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“Mr Stapleton suggested that the majority of patrons attended only one session. However, the fact that a patron was able to be present throughout the weekend for an entry fee of \$10 does not make the event seem much different from the norm. Mr Stapleton argues that the period of Easter was convenient for many artists in terms of arranging time away from work, family and travel. We accept that having the event on three consecutive days makes it more like a festival. We did not think that the application was grounded on a desire to enable people to party. In fact the company referred to pre-selling tickets and supplying food when it filed the application. On balance we considered that the application was a genuine attempt to provide a festival of local entertainment over a long weekend.”

- [115] There the Authority did not approach the question on the basis of the section constituting an eligibility test. Instead, it canvassed the background matters which it considered relevant to its evaluation under [s 79\(1\) of the 1989 Act](#). It is in this context that the issue of whether an event is genuine or not arises.
- [116] Upon completion of the evaluation of the criteria in [s 142](#), and when the application is cross-checked against the object of the Act, [s 41](#) may become relevant. It is in standing back and considering the application as a whole that it will become apparent whether the application is appropriate. As counsel for the appellant rightly said before the Authority, if an event is “contrived” this will become apparent through the [s 142](#) evaluation such that one may never need consider [s 41](#), but the reverse is not applicable.
- [117] As the purpose of special licences is to permit the sale of alcohol for particular events rather than in the course of regular business, [s 41](#) now puts beyond doubt what the Authority said in *K P Newell*, that where in the opinion of the DLC a special licence is being sought to enable the drinkers to continue to socialise in the same way that they normally do when the premises are legitimately open for business, then it is more appropriate for the applicant to apply for another type of licence or for a variation of an existing licence. [Section 41](#) does not, however, go so far as to prohibit certain types of events.
- [118] Following its evaluation under [s 142](#), should the DLC then form the opinion that it would be more appropriate for the applicant to apply for a variation, then [s 41](#) simply provides the course of action that should be followed to maintain the integrity of the licensing system.
- [119] To this extent, the Licensing Inspector is correct that the two sections are interrelated and to determine whether an application for a variation of an on-licence is appropriate, the decision-maker needs to consider factors such as the nature of the event, the location, the frequency of the days involved, trading hours the way the event will be run and how it could be used by patrons.
- [120] In the present appeal, the result reached by applying the [s 142](#) criteria may very well have been the same. The Authority does not need to consider this in light of the relief sought. But for the purposes of this appeal, the Authority is satisfied that the DLC has not correctly followed the evaluative “process” articulated by Gendall J in relation to [s 142](#) and has fallen into error in treating [s 41](#) as meaning it is unnecessary to consider [s 142](#).
- [121] As Parliament has expressly mandated decision-makers have regard to [s 142](#), in the absence of any express prohibition excluding the eligibility of certain types of events for special licences, the Authority is satisfied that the grounds of appeal have been made out.
- [122] Finally, the Authority agrees that the DLC has erred in relying on [Menage Entertainment Ltd v Moody](#) as authority for the position that the object of the Act cannot override the need to consider and apply the specific provisions of the

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Act, namely s 41. That case involved the Authority varying the terms of an original licence (namely the designation applicable to the premises), on its own initiative beyond those for which were sought in an application for variation. There the High Court said that the Authority was wrong to consider that the exercise of its jurisdiction and powers to promote the object of the Act gave it the power to impose conditions otherwise than by following the procedure expressly set down in the Act relating to the variation of licences. It is in this context that the High Court said that the Authority exists only by statute and that it does not have a “roving all-remedial jurisdiction unfettered by specific statutory authorisation” and that when exercising its powers “it does so with the principal objects in mind but those objects cannot be a substitute for express statutory entitlement.”<sup>73</sup> To the extent that the DLC referred to Menage to support the stance that the criteria in s 142 (including the object of the Act) need not be considered, the DLC erred.

**Is there is an onus on an applicant for a special licence to prove on the balance of probabilities that the event for which the licence is sought is genuine and not contrived?**

[123] In *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited*<sup>74</sup> one of the principles summarised by Clark J in respect of the evaluation of an application is that the application of rules involving onus of proof may be inappropriate,<sup>75</sup> and similarly, there is no onus on the reporting agencies to prove the application should not be granted.<sup>76</sup>

[124] On appeal in *Lower Hutt Liquormart Limited v Shady Lady Lighting Limited* Churchman J also confirmed that not only do notions of onus of proof have little or no relevance and application to the inquisitorial, evaluative decision-making process to be undertaken when considering whether or not to grant an off-licence, notions of standard of proof similarly have little value.<sup>77</sup>

[125] Given the nature of the evaluative function, there is no basis for the DLC to have placed an onus on the applicant to prove on the balance of probabilities that the event is genuine and not contrived.

[126] The suggestion of there being an onus on the applicant also appears to import a presumption that an application for a special licence will not be granted. There is of course, no such presumption.<sup>78</sup> As Churchman J put it, what is required is that the decision-maker be reasonably satisfied of any evidence put to it, having regard to the nature and consequence of the facts in question.<sup>79</sup> As a decision-maker's function is to evaluate an application, that responsibility sits with the DLC.

**Conclusion**

[127] The appeal is allowed. Pursuant to s 158 of the Act, the decision of the DLC is quashed but without being referred back to the DLC for a rehearing.

**All Citations**

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**Footnotes**

1 [2019] NZARLA 49

2 with two additional events overlapping with Harness Racing as “Harness Racing/Friday night lates”

3 letter dated 30 November 2018 at [2]

4 letter dated 30 November 2018 at [4] — [7]

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- 5 notwithstanding the special licence being declined, the event took place as scheduled albeit without the sale or supply of alcohol
- 6 [s 141\(4\)](#) report dated 21 November 2018, unnumbered page 4
- 7 [s 141\(4\)](#) report dated 21 November 2018, unnumbered page 5
- 8 Notably the applicant's systems, staff and training and whether the event met the object of the Act — refer [s 141\(4\)](#) report dated 21 November 2018 at pages 4 and 5
- 9 notably [s 142\(1\)\(e\)](#) (amenity and good order); [s 142\(1\)\(k\)\(i\)](#) (proposals relating to the sale and supply of non-alcoholic drinks and food); [s 142\(1\)\(h\)](#) (design and layout of premises) — refer [s 141\(2\)](#) report dated 5 December 2018 at pages 12, 13, and 15
- 10 despite oral submissions before the Authority expressing concerns about planning, in his written submissions dated 8 May 2019 the Licensing Inspector said at [73]: “Informal confirmation was provided by Mr Moran [the Waipa District Council Team Leader Planning] that there would be no planning issue with any special events planned over the previous summer. However, the applicant was recommended to regularise future events under a land use consent or historic use consent in the future.”
- 11 [s 141\(2\)](#) report dated 5 December 2018 at page 16
- 12 [s 141\(2\)](#) report dated 5 December 2018 at page 16
- 13 [s 141\(2\)](#) report dated 5 December 2018 at page 17
- 14 [s 141\(3\)](#) report dated 5 November 2018 signed by Sgt A Osborn
- 15 Transcript at page 2
- 16 Transcript at pages 146 -147; it is for this reason that the Police are a [s 204\(3\)](#) party before the Authority
- 17 Re: Invercargill Workingmen's Club Inc LLA PH 50/2002
- 18 DLC decision at [16]
- 19 DLC decision at [17]
- 20 DLC decision at [18]
- 21 DLC decision at [19]
- 22 DLC decision at [29]
- 23 DLC decision at [31]
- 24 *Paulin v Mornington Tavern 2010 Ltd* [2016] [NZARLA](#) 190
- 25 *Abbot v Malone's Ltd* [2016] [NZARLA](#) 274
- 26 submissions dated 8 May 2019 at [68]
- 27 submissions dated 8 May 2019 at [3.6]
- 28 *J & C Vaudrey Ltd v Canterbury Medical Officer of Health* [2016] NZCA 539
- 29 *Christchurch Medical Officer of Health v J & G Vaudrey Ltd* [2015] NZHC 2749, [2016] 2 NZLR 382, Note that J & C Vaudreys' names are erroneously recorded in the intituling of the High Court judgment
- 30 *Director-General of Social Welfare v W* [2005] NZAR 258 (CA) at [22]
- 31 at [22]
- 32 *Medical Officer of Health v Partnership of James A Shand and Mary P Jamieson trading as Straight 8 Estate* [2018] [NZARLA](#) 120-121 at [60] — [61]
- 33 *Humphrey v Cathedral Grammar Friends Group* [2019] [NZARLA](#) 91
- 34 DLC decision at [19]
- 35 Invercargill Workingmen's Club Inc LLA PH 50/02
- 36 DLC decision at [16]
- 37 *Christie v Invercargill Licensing Trust* PH 1225/2000 at [16] et seq.
- 38 Re Newell PH 1062/09 at [16]

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- 39 i.e. *Abbot v Malone's Ltd* [2016] **NZARLA** 274 and *Re Newell* PH 1062/09
- 40 per s 47 namely Anzac Day morning, Good Friday Easter Sunday and Christmas Day
- 41 *Menage Entertainment Ltd v Moody* [1993] 2 NZLR 229 at 233 line 36
- 42 DLC decision at [32] — [34]
- 43 Alcohol in our lives: Curbing the harm report: A report on the review of the regulatory framework for the sale and supply of liquor, April 2012, at [13.21]
- 44 *Invercargill Workingmen's Club Inc* [2002] NZLLA 50 at [79], [86] and 106]
- 45 DLC Transcript at page 46
- 46 **MoH** submissions dated 8 May 2019 at [51]
- 47 *Re Newell* [2009] NZLLA 1062 at [12] - [13]
- 48 Medical Officer of Health submissions at [69]
- 49 *Re: Oddballs Adventure Tours Company Ltd* [2010] NZLLA PH 1541-1545 at [27]
- 50 *Re: Oddballs Adventure Tours Company Ltd* [2010] NZLLA PH 1541-1545 at [29]
- 51 *Re: the Bullock Bar Limited and Luggate Hotel Limited* QLDC 0012/14
- 52 Inspector's submissions dated 8 May 2019 at [10]
- 53 DLC Transcript at page 119
- 54 *Invercargill Workingmen's Club Inc* NZLLA 50/2002 at [105]
- 55 Inspector's submissions dated 8 May 2019 at [49]
- 56 *Mangere-Otahuhu Local Board v Level Eighteen Limited* [2014] **NZARLA** PH 627-228 at [17]
- 57 *Austin, Nichols & Co Inc v Sighting Lodestar* [2008] 2 NZLR 141 at [146]
- 58 DLC decision at [10]
- 59 DLC decision at [31]
- 60 *Re Venus NZ Ltd* [2015] NZHC 1377, [2015] NZAR 1315
- 61 *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123 at [44]
- 62 *Humphrey v Cathedral Grammar Friends Group* [2019] **NZARLA** 91 at [59]
- 63 *Shady Lady Lighting Limited v Lower Hutt Liquormart Limited* [2018] **NZARLA** 198-199 at [55] — [65]
- 64 *Capital Liquor Limited v Police* [2018] **NZARLA** 335
- 65 *Christchurch Medical Officer of Health v J & G Vaudrey Ltd* [2015] NZHC 2749, [2016] 2 NZLR 382
- 66 *Christchurch Medical Officer of Health v J & G Vaudrey Ltd*, above n 16, at [55] — [56]
- 67 *Christchurch Medical Officer of Health v J & G Vaudrey Ltd* [2015] NZHC 2749, [2016] 2 NZLR 382 at [78] — while four questions of law were decided for appeal in the subsequent decision *Christchurch Medical Officer of Health v J & G Vaudrey Ltd* [2016] NZHC 73, this did not relate to the meaning of the words “must have regard”
- 68 *Brookers Sale of Liquor*, A Dorner, A G Sherriff (R Atkins, ed.) Thomson Reuters at [73.01]
- 69 *Re an Appeal by the Police* LLA Decision 1813/92 at page 4
- 70 *K P Newell* LLA Decision PH 062/2009 at [16]
- 71 being those in 79(1) of the 1989 Act
- 72 *K P Newell* LLA Decision PH 062/2009 at [20] in relation to s 79(1)(a) of the 1989 Act
- 73 *Menage Entertainments v Moody* [1993] 2 NZLR 229, 233 atline 40
- 74 *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123
- 75 *Re Venus NZ Ltd*, above n 21, at [60] and *Auckland Medical Officer of Health v Birthcare Auckland Ltd* [2015] NZHC 2689 at [52]
- 76 *Auckland Medical Officer of Health v Birthcare Auckland Ltd*, above n 22 at [113]
- 77 *Lower Hutt Liquormart Limited v Shady Lady Lighting Limited* [2018] NZHC 3100 [28 November 2018] at [73]

Cambridge Raceway Ltd v Medical Officer of Health, [2019] NZARLA 116 (2019)

2019 WL 3000986

78 Christchurch Medical Officer of Health v J & G Vaudrey Ltd [2015] NZHC 2749, [2016] 2 NZLR 382, at [55]; Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited [2018] NZHC 1123 at [46]

79 Lower Hutt Liquormart Limited v Shady Lady Lighting Limited [2018] NZHC 3100 [28 November 2018] at [73]

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**BEFORE THE DISTRICT LICENSING COMMITTEE  
AT ALEXANDRA**

**IN THE MATTER OF**      The Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER OF**      An application by  
**ALEXANDRA BLOSSOM  
FESTIVAL COMMITTEE  
INCORPORATED** for a  
special licence in respect of  
premises situated at Pioneer  
Park, Alexandra, for the  
event known as “Alexandra  
Blossom Festival”

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**BRIEF OF EVIDENCE OF MARTIN ROBINSON MCPHERSON**

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I, Martin Robinson McPherson, Event Manager, of Alexandra state as follows:

**Introduction**

- [1] I am the Event Manager for the Alexandra Blossom Festival, and am employed by the Alexandra Blossom Festival Committee Incorporated (“the Applicant”).
- [2] I am authorised to give evidence on behalf of the Applicant.

**The Applicant**

- [3] Alexandra Blossom Festival Committee Incorporated is registered under the Incorporated Societies Act.

**Personal background, employment and history with the Blossom Festival***General overview*

- [4] I am originally from Christchurch but now consider myself to be an Alexandra local after moving to the area in 1993.
- [5] I am an elected member of the Central Otago District Council and for the last 30 years I have been a member of either Council or a community board, or both.
- [6] My background is in hospitality, public relations and event management and I have a vast amount of experience in the industry. I have been involved with a variety of events involving the sale and supply of alcohol. This includes a role as General Manager of Waitiri Creek Wines.
- [7] I was also in an earlier stage of my career, the manager of the Lindauer Tent at the Addington Racecourse during the Canterbury Show.
- [8] I have previously held a general manager’s licence.

*Alexandra Blossom Festival*

- [9] I have had a long association with the Alexandra Blossom Festival and have been the Event Manager since 2009. Prior to this I was the Event Manager between of the festival between 1993 and 2002.

*Sale and supply of alcohol*

- [10] I am very familiar with the law around the sale and supply of alcohol in New Zealand.
- [11] None of the operations I have been involved with in the past have come to the attention of the reporting agencies for breaches of the alcohol licensing laws.

**The Blossom Festival – concept, history and vision**

- [12] The Blossom Festival celebrates the beginning of spring in Central Otago. The first festival was held in 1957 and it is the longest running community festival in New Zealand. Over the years it has remained a cornerstone of the calendar in the region.
- [13] Alexandra is known for its fruit and its agricultural industries. Various events recognise those industries that have been the lifeblood of the area.
- [14] Over 10,000 people attend the various across the three days of the festival. It is a community and family focussed event.
- [15] The team and I are immensely proud of The Blossom Festival and the reputation we have built up over the decades.
- [16] We have always had a solid working relationship with all of the local stakeholder and agencies in the region.

**Proposed alcohol sales and event hours**

- [17] The Applicant is seeking a special licence for “Saturday in the Park” on Saturday 27 September 2025. Saturday in the Park is one of the



most popular events in The Blossom Festival and is enjoyed by all who attend. There have never been any issues with the sale and supply of alcohol at this event.

- [18] The Applicant is seeking an umbrella licence that would include any operator selling and supplying alcohol at the festival. We would anticipate there being between eight and ten stalls.
- [19] The various stalls will sell a range of beer, wine, spirits and liqueurs. The stall holders pay a fee to be part of the event. There is also an extensive selection of low alcohol and non-alcoholic beverages available across the site.
- [20] The proposed operating hours for the event are from 11.00am to 5.30pm on Saturday 27 September 2025.
- [21] Up until 2024 the Applicant had always held an “umbrella” licence and this arrangement has worked well. In 2024 each individual stallholder held individual licences.
- [22] In our application this year we seek to return to the “umbrella” licence style of operation whereby the Applicant holds the licence and contracts stallholders who pay a stallholder fee.

**Food vendors “Saturday in the Park”**

- [23] For this year’s event I have confirmed thirty-eight food vendors, two coffee carts and eight stalls seeking to sell alcohol.
- [24] We ensure there are vegan, vegetarian, and dietary options. We welcome vendors to sell alcohol-free drinks.
- [25] The following food stalls are confirmed:
  - [a] Burgers and fries;
  - [b] Asian platters;
  - [c] Whitebait fritters;

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- [d] Pizza;
- [e] Sushi;
- [f] South African Biltong;
- [g] Asian dumplings;
- [h] Mexican tacos; and
- [i] Thai food.

**Management of licensed premises and staffing**

- [26] The sale of alcohol and the special licence area will be managed by Jamie Hughes who has had a long history with the Festival. He is an experienced and skilled manager.
- [27] Each stall will have its own staff and will ensure those supplying alcohol are fully trained and aware of the requirements of the legislation.
- [28] There is a comprehensive briefing and training process for stall holders that will be overseen by Jamie Hughes.

**New Zealand Police, the Medical Officer of Health and the Inspector**

- [29] I have reviewed the reports from the reporting agencies. I note that none of the agencies oppose the application.

**2024 Special licence**

- [30] In 2024 the alcohol licensing for the “Saturday in the Park” event was operated differently to previous years. We decided to have each individual stall holder obtain and operate individual licences. This was a difficult thing to manage as people would wander off into the park with their drinks and it was unclear who was responsible for the customers due to the lack of defined licensed areas.

- [31] Equally it would be problematic for each stall holder to have a fenced off area requiring people to stay there while consuming a drink instead.
- [32] It was for these reasons we seek to return to the “umbrella licence” model for 2025.
- [33] As noted above, stallholders pay a fee to hold a licence and in this respect the Applicant is receiving revenue from the sale of alcohol.

**Conclusion**

- [34] The Applicant has systems in place to keep their attendees and everyone involved in the festival safe. We have ample food options onsite, free water, shaded areas, alcohol-free options and an experienced manager.
- [35] We maintain a close working relationship with all agencies and stakeholders in the festival.
- [36] I consider that the Applicant is a responsible operator and a suitable entity to hold a special licence. The “Saturday in the Park” event has operated for many years without incident. We have an impeccable record.
- [37] We are committed to running a successful and enjoyable event that those attending “Saturday in the Park” can enjoy and where alcohol is consumed safely and responsibly. I am immensely proud of The Blossom Festival and the events that I have managed for the last 15 years without incident.

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Martin Robinson McPherson

**BEFORE THE DISTRICT LICENSING COMMITTEE  
AT ALEXANDRA**

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   Park, Alexandra, for the  
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**BRIEF OF EVIDENCE OF JAMIE ALLAN HUGHES**

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I, Jamie Allan Hughes, Company Director of Dunedin state as follows:

**Introduction**

- [1] I own and operate Liquid Assets Limited, a company that provides alcohol management services for large public events.
- [2] I am authorised to give evidence on behalf of the Applicant.

**Employment background and experience**

- [3] I am based in Dunedin. I have been involved in the ownership and management of licensed premises since 2003. I currently hold an on-licence for a Dunedin premises.
- [4] I am also involved in consulting on special licences and working at large public events managing the sale of alcohol.
- [5] My company can take on a range of roles such as supplying bar staff and duty managers, stock management, setting up and building bars, and organising licensing for events.
- [6] We supply around 2,000 bartenders, and 50 duty managers over the course of a year as well as managing approximately 30 special licences per year.
- [7] Some of the events that I have been contracted to work on are:
  - [a] Homegrown;
  - [b] Snow Machine;
  - [c] Brews on the Bay;
  - [d] In Bloom;
  - [e] Cromwell Races;
  - [f] Wingatui Races;

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- [g] Mackenzie Summer Sounds;
- [h] Gibbston Valley Concert;
- [i] Taupo Summer Tour;
- [j] Whitianga Summer Tour;
- [k] Ginfest Arrowtown;
- [l] University of Otago Toga Party;
- [m] Beast of a Feast;
- [n] Otago Classics;
- [o] Hokitika Wildfoods;
- [p] Baseline;
- [q] Dunedin Fringe Festival; and
- [r] NZ Science Festival.

**Alexandra Blossom Festival – management of the sale of alcohol**

- [8] I have worked at the Alexandra Blossom previously and believe we have all the systems in place to ensure The Blossom Festival “Saturday in the Park” event is operated in accordance with the law.
- [9] In my experience, the “umbrella” licence model is the best system to responsibly manage the sale and supply of alcohol.
- [10] There is an alcohol management plan and host responsibility policy in place. All stallholders are left in no doubt as to the requirements under the Sale and Supply of Alcohol Act. Each stallholder must have an operator who is fully versed in the legislation.

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- [11] I hold a current Manager's Certificate and will be the overall assigned manager of the event should a licence be granted. I will have oversight and responsibility for the sale and supply of alcohol.
- [12] I will give a briefing to the stall holders and ensure signage is in place. Each stall must have a designated manager although I would be the named manager.
- [13] My intention in managing this event would be to have three of my team on site. Each is a certified and experienced manager. I intend to have one manager assigned to go around to each stall and liaise with the stallholder checking compliance. Two other duty managers would be on-site walking around the defined licensed area in Pioneer Park. I am confident my staff are fully trained and qualified for this role.
- [14] We will have a vast amount of food available and a range of non-alcoholic drinks. Allied Security will have 12 security officers on site.
- [15] As noted above, I would be responsible overall as the designated manager for the entire special licence area if a licence was granted. The buck would stop with me.

**Conclusion**

- [16] I have managed the "Saturday in the Park" event for the Alexandra Blossom Festival on several previous occasions. As stated above, the "umbrella" licence model is the best system to responsibly manage the sale and supply of alcohol.

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Jamie Hughes

**3            OVERVIEW OF THE PROCEEDINGS**