

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by **NELSON COMMUNITY VENUES LIMITED** for a new on-licence in respect of the premises located at Paru Paru Road, Nelson, known as the "Trafalgar Centre".

BEFORE THE NELSON DISTRICT LICENSING COMMITTEE

Chair: Bruce Fraser
Members: Derek Shaw
Laurie Gabites

HEARING at NELSON on 18 March 2025

DECISION: 21 July 2025

APPEARANCES

Mr John Young – representing the applicant
Mr Ian Jones – Nelson City Council Licensing Inspector
Ms Anne Price – under delegation from the Medical Officer of Health
Sergeant Steve Savage – NZ Police Alcohol Harm Reduction Officer

RESERVED DECISION OF THE COMMITTEE

Introduction

[1] This is an application before the Committee for an on-licence for the Trafalgar Centre, where Nelson Community Venues Limited (**NCVL**) is contracted to operate the Centre on behalf of Nelson City Council; it has the sole catering and beverage rights granted by the Council for the premises. Pursuant to the application lodged on 27 August 2024 NCVL seeks an on-licence for the Trafalgar Centre, in Paru Paru Road, Nelson.

[2] Section 100 of the Sale and Supply of Alcohol Act 2012 (**SSAA / the Act**) sets out the requirements for an or renewal of an application. It requires an application for a licence to, inter alia,

- (a) to be made in the name of the person or club who will hold it if the application is granted; and
- (b) be made in the prescribed form and manner.

[3] Public notice of the NCVL application did not attract any objections. The tri-agencies however all opposed the application and a hearing was held on Tuesday 18 March 2025. Each of the agencies provided a full report to the Committee prior to the hearing and, as well, the applicant provided written opening submissions and briefs of evidence from their witnesses.

[4] Statements in evidence of all parties were lodged with the District Licensing Committee (**DLC / Committee**) prior to the hearing. By agreement they were taken as read with the opportunity, to speak further to them.

The Applicant

[5] The applicant was represented by Mr John Young, and he called Mr Mark Mekalick and Mr Chris Churcher, and the Mayor of Nelson Hon Dr Nick Smith also spoke in support of the application.

[6] The applicant's Counsel had provided opening submissions prior to the hearing.

[7] In his opening, counsel asked the Committee to consider several matters in reaching a decision on whether or not to issue the licence. He firstly asked the committee to note that the applicant was an experienced operator in venues such as this. The applicant had provided considerable information in the form of Alcohol Management Plan (**AMP**) and a Risk Assessment Matrix (**RAM**), to be used at events where it was considered appropriate.

[8] Mr Young outlined for the Committee the information provided in the reports from the agencies and suggested to the Committee that NCVL was a trustworthy, experienced operator and therefore, he said, suitability was not in question.

[9] Mr Young further submitted that given the nature of the proposed operation the issue of an on-licence was appropriate. He argued that providing restrictions on the licence would limit how it would operate and how events are managed.

[10] Mr Young referenced the experience of Mr Churcher in managing events and asked the Committee to make a judgement when hearing from him. He also noted that Mr Churcher would be well supported by Mr Mekalick, who would be present at most medium risk and all high risk events (as determined by the RAM). Event would, he said, also be supported by the applicant's approach, including the use of the RAM. Acknowledging that the numbers could make a difference, Mr Young advised that the applicant was prepared to look at changes to the (weighting) numbers in the RAM.

[11] Mr Churcher, appeared via video link. Mr Churcher is NCVL's food and beverage manager at the Trafalgar Centre. Mr Churcher provided additional information to his written evidence previously submitted, which statement was confirmed by Mr Churcher. He further confirmed the correctness of his statement of 11 March 2025.

[12] Mr Churcher advised his previous experience covered both food and alcohol management. He had held on-licences for restaurants he operated for over 18 years in Tasman District and Dunedin. He had also managed on-licences for others in Auckland and Marlborough, as well as pubs in the UK with over 600 patron capacity that held regular live music events.

[13] Mr Churcher described his experience associated with the service of alcohol as including involvement in three (3) larger events at the Trafalgar Centre where, he said, there were no issues regarding the provision of alcohol. Mr Churcher also outlined his role in dealing with staff, including their training. He advised that he had held a manager's certificate for more than 30 years.

[14] During discussion regarding the risk matrix and how that would impact on reducing harm, Mr Churcher explained he had been involved in developing the alcohol management plan for the venue.

[15] Mr Churcher described his role at NCVL as having a particular focus on minimising alcohol harm and ensuring NCVL adhered to the provisions of the SSAA. He described himself as a very "hands-on" person and said he attends those events particularly where alcohol is served. He said the venue has a zero-intoxication policy.

[16] The second witness for the applicant was Mr Mark Mekalick, the venues manager for NCVL. He confirmed his evidence of 15 January 2025 and his further evidence of 11 March 2025.

[17] Mr Mekalick outlined NCVL's role in managing the contract with Nelson City Council (**NCC**) for the Trafalgar Centre. He also outlined the management structure of NCVL, including how they manage the Trafalgar Centre. Much of the management is based on the approach adopted by a parent company at Spark Arena in Auckland. He advised that NCVL has exclusive catering and beverage rights at the Trafalgar Centre.

[18] Mr Mekalick's evidence was that NCVL will be solely responsible for alcohol services at the Trafalgar Centre, so they can deliver safe events and take full responsibility for safe alcohol service. He said that they also provide a central point for discussions that need to be held with the tri-agencies. NCVL wanted to ensure that patrons had a good time and NCVL did not want intoxicated people to spoil it for others.

[19] Mr Mekalick explained security delivery. NCVL has partnered with one security provider, undertakes staff training on intoxication assessment, which occurs at both venue entry points, and at the queues to purchase alcohol.

[20] He further described NCVL has chosen pourage partners for the supply of alcohol who have adopted a policy of supplying beer with a maximum of 4.2% alcohol and ready to drink spirit mixes (RTD's) at less than 5%. Additionally, he said, there are processes in place regarding number of serves supplied, container opening, and containers used at service points. He indicated awareness of the responsibility NCVL has to the provisions of SSAA, as well as to the management contract with NCC, and to the wider community.

[21] He advised the Committee NCVL has other contracts with NCC for other venues in Nelson City, and acknowledged that their track record in managing the venues is important when they come up for renewal.

[22] Mr Mekalick described how training of staff, including of partners and contractors, especially around reducing alcohol harm, was undertaken. He indicated there are plans to continue adding more training tools, such as those provided by Hospitality New Zealand.

[23] He described how the RAM will determine the number of serves supplied per person, for example two (2) for the high risk events and four (4) for the lower risk events. This may reduce to two (2) serves per person following discussion with the tri-agencies and the security providers prior to, and during, the event.

[24] Mr Mekaalick said there was support from significant event promoters for NCVL to seek an on-licence for the Centre as it would make the venue more attractive for them to use Trafalgar Centre as they would not be responsible for the provision of alcohol.

[25] Mr Mekalick confirmed that the opening time now proposed was 8am, rather than 7am, which would accommodate such events as a champagne breakfast where generally only one glass is served to accompany the breakfast.

[26] He explained how the outdoor area would be managed, including seeking permission from NCC, and said it would be fenced if the event involved an outside area which would require the presence of security.

[27] He indicated that after each event there would be a debrief. This would help inform the management for future events and feed into the review of the AMP to minimise the harm from alcohol. Point of sale data would also be used as part of the management during events, and for regular review of events, to help refine the management of subsequent events. This would also include details from St John who might have responded to calls for assistance which they record in their own systems.

[28] In addition, Mr Mekalick indicated that NCVL is committed to continue working with the tri-agencies, including in pre-event meetings when any party deemed them necessary and where the RAM identified high-risk events and possibly some of the medium risk events. He confirmed that event reports prepared after major events could be made available to the tri-agencies.

[29] Mr Mekalick explained how numbers of attendees can be accommodated at the venue. This is detailed in the building warrant of fitness and the fire report as well as confirmation from NCC. NCVL accepted the capacity of 2,791 for the on-licence.

[30] Responding to a question on the development of the AMP, Mr Mekalick advised the AMP was based on some Auckland venues and modified to meet the needs of the Trafalgar Centre.

[31] Mr Mekalick explained the involvement of “Red Frogs” (who get their name for lollies they dispense) at high-risk events in caring for people who become intoxicated. Water back packs are carried and drinking water is dispensed.

[32] Mr Mekalick went on to explain that security personnel at the entrance will refuse entry to anyone intoxicated. Those persons, along with anybody found intoxicated in the venue, will be looked after in a one-way detox tent in line with their host responsibility policy. Roving liquor wardens within the venue will be responsible for identifying and removing intoxicated patrons.

[33] Mr Mekalaick advised that to help identify those under eighteen (18) trying to drink alcohol, guests over eighteen (18) years of age would be given a wristband. Consideration would also be given on case-by-case basis to whether the event be R18.

[34] During an event, there will be hourly alcohol management meetings between Police, Venue Management, Duty Manager, Head of Security and any other key stakeholders to provide feedback on any observed issues, discussion on them, any actions needed.

[35] NCVL would work with the event owner to provide an area that is alcohol-free where appropriate. That could be a seated block.

[36] The Hon Dr Nick Smith, Mayor of Nelson City, outlined his, and the council's support for NCVL to be granted an on-licence and he confirmed that evidence in his letter of 14 January 2025 previously supplied to the committee.

[37] While acknowledging the issues the committee had to take into account when considering this application, Dr Smith said wanted the committee to know how important the Trafalgar Centre is to the city, including helping to attract visitors through the events held in the Centre. He believed having an on-licence operated by a reputable venue management company was important, not only for the venue but also for the Council and wider community.

[38] The Mayor outlined the management arrangements for the Centre and how it was hoped it would continue to add value to the city's income. He indicated that in his view the venue is currently underutilised and not only would increased use help Council financially but it was also a key component to the revitalisation of the Central Business District.

[39] The Mayor advised the Committee he had identified some twenty-seven (27) similar venues to the Trafalgar Centre in Nelson and throughout the country that hosted events and that had an on-licence. Mayor Smith confirmed Council's support for the current venue operator, chosen after tender as the preferred supplier. Dr Smith's view was that with the tri-agencies ensuring the alcohol related provisions are complied with, the management arrangement between NCC and NCVL provides a further opportunity to ensure harm is minimised. The table of venues supplied by Mayor Smith was admitted in evidence, MS1.

[40] Mayor Smith explained the exclusive food and beverage arrangement between Council and NCVL. In discussing the advantages and disadvantages of an on-licence versus special licences for the Centre, the Mayor noted that the time required to obtain a special licence can create uncertainty for events proposed at the Centre and alternative venues and/or locations were often used instead.

Police

[41] By agreement, Sergeant Steve Savage's statement of evidence dated 2 March 2025 was taken as read.

[42] Sergeant Savage referenced a conversation with NCVL relating to special licences for particular events, such as basketball matches involving the Nelson Giants and expressed concern that an on-licence would impact the Giant's revenue stream. That, of course, is not a matter for the committee.

[43] Sergeant Savage expressed his view that NCVL's RAM could be very subjective and hard to score, with the result the 'risk scores' could vary depending on who complete the matrix and their personal bias. He considered the risk matrix was flawed or difficult to determine prior to the event and he felt many of the risk categories (e.g. genre, underage crowd, timings (hours) and food) were very subjective. He advised that Police were not comfortable with the RAM and the possibility of NCVL being able to choose their own conditions. Police sought the opportunity to have input into the large high risk events.

[44] Sergeant Savage also expressed concern that part of the outdoor area that would be used was covered by the Council's liquor ban bylaw.

[45] The provision in the application allowing up to four (4) serves per person per purchase troubled Sergeant Savage, who considered this excessive, and not only not in line with reducing alcohol related harm, but also contrary to the Police position nationally that serve sizes should be restricted to two (2) per person for the entire event. He indicated that the two (2) serve restriction had been imposed on all special licenced events at the Trafalgar Centre over the last year and had been adopted at other events in Nelson, such as rugby and cricket matches. He stated that while there was some initial resistance to the two (2) serve restriction the perceived issues such as queuing problems and crowd satisfaction proved to be unfounded.

[46] Other concerns raised by Sergeant Savage included point of sale, queue management, and the presence of minors at large music events, especially if undesignated as they would be exposed to disorderly behaviour, intoxication and other drugs.

[47] Sergeant Savage stated he was not opposed to an on-licence at the Trafalgar Centre but he opposed them for large events, and he felt special licences should cover these, with low risk events being covered by an on-licence. His view was that for large events a pragmatic approach allowed discussion to occur around possible conditions, such as serving sizes. He further suggested that an on-licence have a capped number, such as 200-300 people. He considered large events high risk.

[48] Sergeant Savage advised that the Police concurred with Mr Mekalick's view that he didn't want intoxicated persons adversely affecting others' experiences, and said that, along with reducing post event harm, was why Police work at such events.

[49] Sergeant Savage confirmed he had had discussions with the applicant regarding not allowing intoxicated patrons back into the venue. He confirmed he had met with the applicant and had a good relationship with those at the venue. He believed designation and serves per person were key issues. His view is that for large standing events there should be a limited of two (2) serves per person. For a seated event with the bar only open before the event starts and during intermission four (4) serves per person may be appropriate.

The Licensing Inspector

[50] Mr Ian Jones, local licensing inspector, confirmed his written statement dated 24 October.

[51] Mr Jones indicated that he had similar concerns to those raised by Sergeant Savage. He also reiterated issues associated with the Giants potential loss of income and similarly for the likes of the organisers of the Dancing with the Stars charity fundraiser. As stated, these matters are not relevant to the Committee.

[52] Mr Jones also raised concerns regarding the RAM. He had undertaken an assessment of what he considered high risk events and he did not reach that threshold. He considered the RAM was inappropriate to use in its current state. He gave the example of the LAB R18 music event which he said only scored a total of nine (9), putting it in the medium risk category, when in his view it was high risk event.

[53] Mr Jones was also concerned that a high risk event could become an R18 event late in the process and he believed that should be considered earlier. He was also concerned that R18 would only be a consideration, and not a condition.

[54] Mr Jones advised his support for the suggestion that events with lower numbers could be covered by an on-licence, with large events being covered by special licences allowing particular conditions, such as designation, to be applied. He noted examples where tickets had gone on sale before discussion with tri-agencies regarding designation and age restrictions.

[55] Mr Jones recounted around thirty (30) applications for special licences relating to the Trafalgar Centre over the last two years, and these had resulted in discussion between the applicant and tri-agencies regarding risks; a process he regarded as having worked very well, particularly with face to face meetings.

[56] Responding to a question regarding the tri-agencies approach to assessing applications, Mr Jones advised that following receipt of an application, the tri-agencies initially decide whether they wish to meet, and if there are concerns they request a meeting with the applicant, especially if it is considered a potential high risk event. Mr Jones view was that given the timeframes involved in the planning of large

events, applications could be lodged earlier to help ensure discussion with the tri-agencies, and that they should be lodged prior to tickets going on sale. He believed that high risk events should be R18.

[57] Mr Jones said he had talked to other licensing inspectors and many venues operated for a period with special licences before moving to an on-licence. There are also locations where the licensing regime is split, with specials for large events and on-licence for small corporate events.

[58] Mr Jones confirmed that he agreed with the changes to the application following discussions with the tri-agencies. However he had ongoing concerns regarding numbers of serves and designation. He confirmed he had read the AMP but he remained concerned about the four (4) serves and the need to improve staff training. Mr Jones said he saw high risk events as not just about numbers, but also the type of event and the time of day it was being held.

Medical Officer of Health

[59] Ms Anne Price is an Alcohol Licensing Officer employed by Health New Zealand/Te Whatu Ora. She has full delegation from the Medical Officer of Health and reports on alcohol licensing matters on behalf of the Medical Officer of Health.

[60] Ms Price said she regarded holding an alcohol licence as a privilege and it has responsibilities to meet the requirements of the Act. She views each application as a new one, with no presumption that a licence will be issued or renewed.

[61] Ms Price confirmed that her earlier statement dated 30 September 2024.

[62] Adding to her statement, Ms Price, she expressed her view the RAM was wanting and she considered there were opportunities for improvements. She said it was not clear what constituted high risk events-and she was concerned that high risk events should be deemed R18. She concurred with her tri-agency colleagues regarding the sale of tickets and the application for a special licence for high-risk events.

[63] Ms Price did not feel the special licence process was difficult and in some cases discussions with the tri-agencies improved the events, and gave a concert in February as an example.

[64] Ms Price urged improvements in staff training and believed that debriefs after events were very important to review what worked well and what needed to be improved. She also suggested the provision of training should meet the needs of the Trafalgar Centre and be recorded, as it is very different from other licensed premises. She supported sharing of the training plan.

[65] Ms Price supported a distinction between large events and smaller events in considering conditions on a licence. She viewed risk assessment as something for the applicant to seriously consider as there are lots of variables including not just the numbers at events, but also the time of day, ages, seated or standing.

Closing submissions

[66] In closing submissions Mr Young raised the legal issue highlighted by the **Cambridge Raceway**¹ case that if an on-licence was granted that would preclude an application for a special licence, as the agencies had mooted.

[67] Mr Young proposed some further changes to the AMP based on discussions held between the parties during the day, while noting they would need to be tested over time. NCVL accepted a need to reflect the uniqueness of the venue. He also advised that the RAM would be changed to address the tri-agencies concerns, and they were to be submitted to the Committee.

[68] Mr Young reiterated that the Trafalgar Centre is a unique venue and argued it should not be compared to other licenced premises. People going to this venue are there primarily for an event or gathering; the consumption of alcohol is secondary.

[69] Referencing the **Cambridge Raceway** case Mr Young submitted it was clear an on-licence was appropriate for this venue. A special licence must not be issued in circumstances where, in the view of the committee, it would be more appropriate to apply for an on-licence. Mr Young argued that given the likely number of events, it was appropriate for NCVL to apply for an on-licence; applying for several special licences (ongoing) raised practical and legal issues.

[70] Commenting on the requirements in section 105, and in particular the question of the suitability of the applicant, Mr Young pointed out that in most cases the agencies agreed with the applicant, except in two (2) areas.

[71] Mr Young argued that the approach of the tri-agencies was of a very general nature, and not specific. He raised the issue of what was described as a serve number policy, which he said is not law and that policy should not set conditions.

[72] Noting the cost of a can of beer at \$12, Mr Young argued that was the action of a responsible host, and was not about profit. It was, he argued a responsible action that would make a difference.

[73] In his final written closing submissions on behalf of the applicant, Mr Young drew the Committee's attention to the revised documents, including the updated RAM, and updated AMP, training plan, and training records.

[74] Mr Young described NCVL's witness Mr Mekalick was an erudite and constructive witness, with impressive credentials and one who demonstrated a deep knowledge of the operations of the Trafalgar Centre. The statement of His Worship the Mayor was similarly compelling and logical and indicated that the Council would be concerned if the Centre was operating in a manner giving rise to harm. He indicated that the public ownership of the Centre and the expectations of Council in terms of its management and operation by the contracted agents is a matter that the Committee can take into account.

¹ [2019] NZARLA 116

[75] Mr Young reiterated his opening submissions setting out the provisions of the Act, particularly those relating to conditions such as designation, and serve quantities.

[76] Mr Young reminded the Committee of their responsibility to ensure any conditions need to be workable, appropriate and reasonable.

[77] Mr Young noted that section 3 of the Act refers to the benefits to the community that might arise from the granting of the application. He argued that the commercial interests of entities such as the Nelson Giants referred to by the tri-agencies, were not founded on a proper evidential basis.

[78] Mr Young submitted that the revised RAM could be used in a way that all categories of the risks are assessed.

[79] In their final submissions the tri-agencies continued to focus opposition based on concerns over aspects that may result in harm from the misuse of alcohol.

[80] The Licensing Inspector, Mr Jones, commented that without the guide rails of conditions there could be a free for all of different conditions prevailing at the whim of licensees, with potential for alcohol related harm. He indicated that a large part of reducing the potential for intoxication at large events is increasing the opportunities for attendees purchasing alcohol to be observed by trained staff and two (2) serve limits create an opportunity to prevent or diminish the potential of intoxication.

[81] Mr Jones argued that despite the risk assessment tool undergoing another iteration his view was that it was not fit for purpose as it was still highly subjective and required speculation on the part of the person providing the information. His view was that the prices of alcohol and the speculated spend per head did not align and he provided other examples of where the risk matrix was lacking. He also regarded the requested hours for supply of alcohol as excessive and did not reflect the licences issued historically.

[82] Mr Jones included some suggested conditions should the Committee grant an on-licence. With respect to designations he suggested:

- stadium floor be restricted designation for standing concerts/events and undesignated for all seated events;
- entire premises be restricted designation when any part of the outside licenced area was utilised, with an exemption for wedding/birthday or similar parties that wish to use the outside area.

Other suggestions were:

- a two-serve limit for any standing concert or event;
- up to four-serve limit for fully seated events;
- temporary fencing to a height of 1.8m for any event where alcohol is taken outside;
- reporting agencies to be notified of any event over 400 persons (for monitoring and Police staffing response purposes);
- licence hours of 11.00am to 11pm.

[83] Ms Price (Medical Officer of Health) in her closing submission reiterated that a licence is a privilege and applicants must put their best foot forward.

[84] She raised with the Committee Mr Young's claim of an exemplary trading history for the Centre, which she regarded as speculative. Ms Price raised issues associated with designation and serve quantities. She suggested that while conditions may be useful ultimately it was good management, systems and processes that support a reduction in alcohol related harm.

[85] Ms Price rejected the revised risk matrix as still not fit for purpose and considered it still subjective. She also provided comments on a recent risk assessment and indicated four (4) shortcomings of the assessment. She argues the RAM was too generalised for the wide range of events and audiences held at the Trafalgar Centre.

[86] Concern was expressed by Ms Price regarding tri-agency feedback for high risk events being taken on board and ongoing contact was made.

[87] Ms Price endorsed the conditions suggested by the Licensing Inspector should the Committee consider granting the on-licence, with the allowed occupancy of 2791 persons for the Trafalgar Centre.

[88] In his final submissions for the Police Sergeant Savage continued to oppose the application and suggested that conditions on a licence are important especially for large events. Sergeant Savage noted the importance of systems and training and the importance of designation, especially for high risk events and those considered as restricted to R18.

[89] Sergeant Savage submitted that the revised RAM remained flawed. He provided the Committee with substantial comments on the shortcoming in relation to all five (5) categories used in the risk assessment, namely genre, underage crowd, timings, audience size and food. He acknowledged some changes to the AMP, which he supported, such as one-way out for intoxicated patrons.

[90] In his closing comments Sergeant Savage drew a comparison between a concert with 2000+ people and a tavern in central Nelson. He felt the tavern would have a restrictive designation which he also believed should apply to the Trafalgar Centre. He was concerned that the applicant had provided several versions of the outside area and he believed the RAM was still far too objective and not fit for purpose. He noted that even with high risk events the applicant still had discretion as to whether the event should be open to under 18 year olds. He indicated there had been significant drug use within the standing crowd area at concerts in the Centre and believed that this was not the place to have patrons under the age of 18 years.

[91] Sergeant Savage also endorsed the conditions proposed by the licensing inspector.

The Committee's Decision and Reasons

[92] The Committee considers that many of the issues raised in opposition to licence application have to a considerable extent been addressed during the hearing. Revised versions of the AMP, the RAM, and an improved training document have been provided by the applicant. We do however note the tri-agencies ongoing concerns regarding aspects of the AMP and RAM and the lack of clarity on the management of the large outside area.

[93] In considering an application for a new licence, the criteria to which this Committee must have regard are contained in s105 of the Act. Additionally in this case, the provisions of s41 and the **Cambridge Raceway** decision fall to also be considered. In light of the decision we have reached, there is little point in reciting these criteria and the Committee has reached the view that it does not need to consider matters beyond s105.

[94] Considering the s105 criteria the Committee's conclusions are:

94.1 As noted below, the Committee is satisfied that to grant the licence would not be inconsistent with the object of the Act.

94.2 The evidence presented to the Committee satisfies us that the applicant has experience in the hospitality sector and has adequate personnel. We consider the applicant is suitable to hold a licence.

94.3 NCC does not have a local alcohol policy.

94.4 The days and hours when NCVL proposes to sell alcohol will be event specific and factored into the RAM and AMP. In the circumstances the Committee is satisfied this is appropriate.

94.5 The layout and design of the premises have been canvassed in evidence and discussed. The Trafalgar Centre is a hospitality venue, which lends itself to hosting events. The outdoor area will be demarcated and monitored.

94.6 NCVL proposes to engage in providing entertainment at the venue, which the Committee considers appropriate.

94.7 The services to be provided by NCVL are aligned to the hosting of events. These will be reviewed with reference to the RAM and AMP.

94.8 The amenity and good order of the locality were the subject of evidence and submissions, particularly in the context of the outside area. The premises themselves are remote from neighbours or others likely to be impacted by venue operations. We are satisfied that appropriate plans and safeguards will be put in place for the outdoor area. We note that the tri agencies advocated for special licences, which implies acceptance that they do not see any amenity and good order concerns.

We do not consider that the amenity and good order will be reduced by more than a minor extent if the licence is granted.

94.9 We do not consider the provisions of s105(i) are engaged.

94.10 The evidence provided satisfies us that NCVL has appropriate systems, staff, and training to comply with the law if the licence is granted.

94.11 We note the concerns of the tri-agencies, which have been outlined above. We deal below with what we have concluded are key concerns.

[95] After considering the s105 criteria in light of both the evidence and the submissions we stood back and considered whether there was any evidence to suggest that granting the application for the on-licence would be contrary to the object of the Act in s.4(1). In this case, we have reached the view that to grant the licence is not inconsistent with the statutory object. We do however note the tri-agencies concern that if the on-licence is granted there will be no opportunity to consider conditions related to individual events, which we consider has substance, and we address this below.

[96] Acknowledging that each event is different, the Committee considers that the revised documents, including the updated RAM, can assist in minimising the harm from alcohol that might arise at the venue. We acknowledge there are other actions available to the tri-agencies by way of enforcement action should there be any issues. However, the Committee accepts the willingness of NCVL to consult with the tri-agencies going forward. This, coupled with the licence being initially for one year term, NCVL's contractual arrangements and obligations to Council, and taking account of the reputation of NCVL gives the Committee comfort there are significant safeguards in place that, along with the conditions noted below, are adequate to minimise alcohol harm at the venue.

[97] The Committee acknowledges this venue is unique and unlike other premises where each opening day the environment is similar. The Committee accepts this venue is different, with each event bringing its own issues. The Committee does consider it prudent to try and find ways to address that but thinks ongoing collaboration between NCVL and her tri agencies (as set out below) is appropriate.

[98] All factors and evidence considered, the Committee has formed the view that the licence should be granted, but with conditions, as explained below. In reaching that view we have also had regard to the purpose of the Act, as stated in s3(1), to put in place a system "*for the benefit of the community as a whole*", and see a new system of control over the sale and supply of alcohol with characteristics that are "*reasonable*". We have concluded that to refuse a licence application in the face of the evidence we have heard, would run counter to that purpose, and would not benefit the community as a whole.

[99] Accordingly, the on-licence is granted and will be issued to NCVL for one (1) year, in accordance with the Act, subject to the following conditions:

- Hours of trade will be from 8am to 12 midnight from Monday to Sunday;
- NCVL is to use the updated RAM to determine the risk of each event and where they are deemed high the tri-agencies are to be consulted;
- Where that consultation takes place, the parties may consider agreed conditions, such as designated areas for certain events;
- In high risk events a limit of two (2) drink serves is to apply, and this includes at standing events.

[100] Although not part of the conditions, we suggest that NCVL consider including in its AMP and other plans, provisions that deal with:

- (a) the means by which patrons will be controlled in drink queues;
- (b) how the outdoor area will be defined and managed;
- (c) the establishment of an entry and exit to the outdoor area and how this exit/entry will be monitored.

[101] While the Committee supports the updated AMP, the updated RAM and alcohol management training plan we encourage NCVL to review and maintain them as part of their ongoing management of the Centre. The Committee expresses its view that the AMP should be a living document capable of amendment from time to time. This can be achieved by the applicant including and consulting the tri-agencies on an ongoing basis as required. The Committee does not favour the plan being too inflexible or unnecessarily restrictive. We see that approach as being conducive to all parties and to the community.

DATED at NELSON this 21st day of July 2025



B R Fraser
Chair
Nelson District Licensing Committee